

THEY FOUGHT THE LAW AND THE LAW KEPT WINNING:
FIFTY-ONE DAYS AT MOUNT CARMEL

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ABSTRACT

On February 28, 1993, agents from the Bureau of Alcohol, Tobacco, and Firearms raided a communal church outside of Waco, Texas in an attempt to serve a search warrant for suspected weapons violations. At the raid were several members of the local media, who had been contacted by the BATF to gain publicity. Members of the church, however, knew of the raid beforehand, and a gun fight broke between the two groups. Four agents lost their lives in the fight, which had been taped and broadcast nationally. Those inside the church refused to exit the building.

Angry over the refusal to surrender and embarrassed that a federal agency was defeated in a gun fight on national television, the Federal Bureau of Investigations took control of the situation, cutting communication from the church, subjecting church members to psychological warfare, demonizing those in the church through the media, and preparing for a final confrontation with the church using military weapons and vehicles.

On April 19, 1993, Attorney General Janet Reno ordered that the Federal Bureau of Investigation's plan to remove people from the church be executed. The FBI and members of the Army's Special Forces, using tanks, mortars, and grenades, subjected those inside the church to a six hour tear gas assault, and destroyed parts of the building. Finally, three fires destroyed the church, killing nearly eighty men, women, and children, in what the FBI labeled a "mass suicide".

Whether or not this claim was true, a deep seeded desire for revenge led to poor decision-making by the Federal Bureau of Investigations, the Bureau of Alcohol Tobacco and Firearms, and Department of Justice, which, in turn, led to the deaths of the people inside the church on April 19, 1993. Because of the embarrassment of the initial raid, the government agencies' need to save face and justify their dead meant a violent outcome was most likely.

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DEDICATION

To the memory of my grandmother, Ruby, whose love of history, laughter, and life live on through me. Thank you, Nana.

Chapter 1

HISTORIOGRAPHY

Americans often take their Constitutional rights for granted and assume that these rights will be protected, regardless of who they are or what they choose to become. This trust in government, however, can prove deadly. Throughout American history, undesirable groups – frequently determined by race, religion or socio-economic status – have faced government-sponsored kidnapping, execution without trial, unlawful surveillance, or torture.

In 1993, a Seventh Day Adventist splinter group, the Branch Davidians, who lived in a communal building outside of Waco, Texas found their constitutional rights ignored by the Bureau of Alcohol, Tobacco, and Firearms when they conducted a dynamic raid to serve a knock search warrant.¹ Then, they were violated by the Federal Bureau of Investigations, who subjected the Davidians to psychological warfare for nearly fifty days before destroying their home with tanks, and by the Justice Department, who covered up the wrongdoing by the BATF and FBI. Finally, they were violated by the Federal Judiciary, who refused to bring those violators to justice. The US Government violated Davidian rights including those protected by the First, Second, Fourth, Fifth, Eighth, and Fourteenth Amendments to the US Constitution. These rights include the right to assemble, freedom of religion, the right to bear arms, protection from unwarranted search and seizure, the right to due process before loss of life, liberty, or property, freedom from cruel and unusual punishment, and the right to equal protection under the law.

Immediately after the fire that killed seventy-six Branch Davidians, many mass-consumption books about the event were released. Early works did not employ much analysis or

¹ A knock warrant does not authorize the use of force in its execution. As the name implies, law enforcement must knock on the front door and announce their presence before searching a location.

research; instead, the authors sought to capitalize on a regurgitation of official versions of the events. Clifford Linedecker's *Massacre at Waco, Texas: the Shocking Story of Cult Leader David Koresh and the Branch Davidians* was the first of these books, coming out in June 1993.² Linedecker argued that the Branch Davidians were a depraved, brain-washed cult, who were determined to do whatever their leader, David Koresh, told them to do. Koresh himself molested and beat children, and ordered his followers to prepare for a final military-style confrontation with the United States government. Preparations included weapons training for all members regardless of age or gender, stockpiling weapons -- especially automatic assault rifles -- and "fortifying" the communal building. Linedecker contended that, through this paramilitary training, the Davidians were able to fool the Bureau of Alcohol, Tobacco, and Firearms into believing they did not know the February 28 raid was imminent, and gave the Davidians the opportunity to ambush raiding BATF agents. Echoing the government's claims, Linedecker maintained that FBI agents saw Davidians set fire to Mt. Carmel in a mass suicide plot reminiscent of Jonestown. *Massacre at Waco* is poorly cited and poorly researched, as the only source for Linedecker's assertions was the government itself.

The most thoroughly researched mass-consumption book on the Davidian siege is *The Ashes of Waco: An Investigation* by journalist Dick Reavis, which was published in 1995.³ Using documents from the Davidian church, interviews with survivors, court records, and newspaper accounts, Reavis ably constructed a definitive history of the Seventh Day Adventist Branch Davidian Association, from its founding in the 1930s to the April 19, 1993 fire that killed most of the Davidian members. He reconstructed David Koresh's life and tried to show how Koresh's

² Clifford Linedecker. *Massacre at Waco, Texas: the Shocking Story of Cult Leader David Koresh and the Branch Davidians*. (New York, NY: St. Martin's Paperbacks, 1993.)

³ Dick J. Reavis. *The Ashes of Waco: An Investigation*. (Syracuse, NY: Syracuse University Press, 1995.)

childhood led to some of the more controversial practices mandated to his followers. Reavis did not apologize for Koresh's behavior; instead, he set the context for Koresh's actions. In later chapters, Reavis argued that the original Bureau of Alcohol, Tobacco, and Firearms raid on Mt. Carmel was excessive and unnecessary, and the investigation that led to the raid was gratuitous at best. Once the raid failed, Reavis contended that the Federal Bureau of Investigations, aided by a cooperative press, lied about the "ambush" of BATF agents, about drug and child abuse, and about the size and scope of the Davidians' "arsenal". Reavis further alleged that the FBI was deceitful and negligent in the final tear gas assault, which possibly led to the fires that consumed Mt. Carmel. Reavis' book was considered the definitive work on the siege, and was the main source of background information for the Congressional hearings on the matter.

Also released in 1995 was Carol Moore's exhaustive investigation entitled *The Davidian Massacre: Disturbing Questions about Waco Which Must Be Answered*.⁴ Moore's book discussed all aspects of the Davidian episode, starting with the BATF investigation. She argued that the BATF did not listen to local law enforcement, with whom Koresh and his followers had a cooperative relationship. The BATF ignored, according to Moore, facts that contradicted their intended goal of a publicity-gaining raid, such as the gun "stockpile" was a part of a legal gun business, there was no methamphetamine laboratory at Mt. Carmel, thereby making the National Guard's involvement in the raid a violation of the *Posse Comitatus* Act, and there was never enough evidence of child molestation and abuse, which was not in the BATF's jurisdiction, anyway, to provide probable cause. Moore contended that the BATF fired first, starting the firefight when shooting at the Davidians' dogs and that helicopter fire killed four Davidians inside Mt. Carmel. After the failed raid, Moore claimed that agents of the BATF lied to cover up their

⁴ Carol Moore. *The Davidian Massacre: Disturbing Questions about Waco Which Must Be Answered*. (Franklin, Tennessee: Legacy Communications, 1995.)

own errors, and the FBI helped the BATF by sabotaging negotiations and engaging in psychological warfare. She maintained that the FBI executed the tank assault with the intention of trapping the Davidians, enabling for a faster execution and destruction of evidence. Moore concluded her argument by stating that the Justice Department withheld evidence and stopped interviewing forwardly-deployed agents at Waco because their testimonies would help the Davidians on trial for murder of the four BATF agents on February 28, 1993. Despite her research and conclusions based upon limited available sources, Moore did not get wide circulation of her book, and it became limited to gun shows and other gun rights' organizations.

In the wake of the 1995 Congressional hearings on Waco, *Time* magazine published an investigation on the Bureau of Alcohol, Tobacco, and Firearms as an agency. Erik Larson's two articles, "ATF under Siege" and "How a Cascade of Errors Led ATF to Disaster at Waco", showed an agency in disarray, partly due to the failed raid at Mt. Carmel.⁵ Relying on the Treasury Department report, Larson argued that the BATF leadership made several critical mistakes that caused the February 28 raid to fail. Among the charges Larson found was faulty intelligence, which led to the underestimation of the number of residents at Mt. Carmel, the false notion that Koresh never left the building, the location of the guns, and a lack of communication options with the Davidians during the raid. Additionally, Larson cited poor undercover agents as another reason for failure. The failed raid, Larson argued, lowered the morale within the agency, and when Phillip Chojnacki and Charles Sarabyn were reinstated after being fired for their role in the failed raid and subsequent attempts at cover-up, agents were embarrassed by the agency. Larson also mentioned that other scandals, namely a lawsuit filed by several black agents who alleged serious racism among the agency leadership, provided organizations, such as the National Rifle Association, who

⁵ Erik Larson. "ATF Under Siege". *Time*. 24 July 1995, 20-29; and Erik Larson. "How a Cascade of Errors Led ATF to Disaster at Waco". *Time*. 24 July 1995, 28-29.

oppose the BATF with more reason to dislike and means to demonize the BATF. Between the NRA campaign to bring down the BATF and the agency's own internal dysfunction, Larson questioned whether the BATF will be able to survive.

In 1997, the fourth mass-consumption book about Waco, *No More Wacos: What's Wrong with Federal Law Enforcement and How to Fix It* by David Koppel and Paul Blackman, was released.⁶ Koppel and Blackman framed their arguments as symptoms of a larger overlying problem with federal law enforcement agencies. They drew their conclusions from using publicly available documents, interviews and monographs and argued that the Waco incident was avoidable. The authors believed that what happened at Mt. Carmel was the product of group think and a worst-case-scenario of the current attitudes of federal law enforcement. They argued that federal law enforcement agencies believe that violent raids are the most effective for serving warrants, which are rubber-stamped by federal judges without any level of scrutiny. This sentiment was echoed by Victor Oboyski, President of the Law Enforcement Officers' Association, during his Congressional testimony. He stated, "The days of a couple of agents...walking up to someone's front door and knocking on a door in three piece suits to execute a warrant of any kind is over...and that is where we stand. We stand between the Koreshes of the world and everybody here. We stand there. Law enforcement." Often, according to Koppel and Blackman, those who are targeted are not dangerous criminals, and, because of this mindset, ordinary citizens are in danger of being targeted. As the Davidian standoff illustrated, federal law enforcement, at best, disrespects targeted citizens' religious beliefs, which has led to a failure to distinguish between religious zealots and dangerous criminal masterminds. Using the Waco incident as a model, the authors noted the role of an overly complicit media in demonizing religious groups and giving a

⁶ David B. Koppel and Paul H. Blackman. *No More Wacos: What's Wrong with Federal Law Enforcement and How to Fix It*. (Amherst, NY: Prometheus Books, 1997.)

free pass to the erring federal law enforcement agencies. They also cited ineffective Congressional hearings in aiding the cover up of interagency deception and a lack of accountability for the death of the Davidians.

The latest book written for popular audiences is *This is Not an Assault: Penetrating the Web of Official Lies Regarding the Waco Incident* by David Hardy and Rex Kimball.⁷ Hardy, an Arizona-based lawyer, filed Freedom of Information Act lawsuits against the BATF and FBI and used documents received to argue that these agencies were involved in a massive, high-level cover-up of facts surrounding the Davidian siege. Hardy and Kimball cited examples, such as all video cameras set to record the initial raid mysteriously malfunctioned, leaving no videographic evidence of the start of the gunfight, as official stories that are too convenient to be plausible. Besides the inexplicably blank tapes, the authors referred to missing still cameras that disappeared from the BATF Waco headquarters and the disappearance of the front door of Mt. Carmel as further proof of government cover-up. Hardy and Kimball followed the official paper trail and conclude that, regardless of Davidian guilt or innocence, the government lied about events surrounding the siege to take pressure off of itself, and to suppress any further inquisition into federal law enforcement roles in the Davidian deaths.

There has not been much scholarly analysis of the Branch Davidian standoff. The works completed by academics have fallen into two categories: analysis of Davidian doctrine by theologians and analysis of the negotiations between the Davidians and the FBI's Hostage Rescue Team. There has also been some analysis of the media's role in the standoff by the journalism community, but this watchdog type analysis was limited to immediately after the fire that destroyed the Davidians' home.

⁷ David T. and Rex Kimball. *This is Not an Assault: Penetrating the Web of Official Lies Regarding the Waco Incident*. (Washington, DC: Xlibris, 2001.)

The first scholarly work to be released was an edited work, James Lewis' *From the Ashes: Making Sense of Waco*.⁸ The essays in this work tried to set historical context for the standoff from both a new religious movement and within the context of millennial religious groups. The overlying thesis of the essay collection was that the FBI and BATF disregarded the Davidians' religious beliefs, and, had they been more in tune with these beliefs, they would have realized the Davidians posed no threat to the outside community or to themselves. Just as with the Masada Jews in ancient Rome, the Anabaptists under siege in Munster during the Reformation, and the Ghost Dancers at Wounded Knee, the Davidians were persecuted due to unfounded fears. In the case of the Waco standoff, however, the government had the aid of the media and of "cult busters" to enflame public prejudice against the Branch Davidian "cult" and to create an unlikely mass suicide explanation for the end of the standoff. The authors in Lewis' volume agreed that the mass suicide explanation was inconsistent with Davidian beliefs and likely a bogus claim.

Lewis' 1994 volume was replaced by Stuart Wright's edited anthology *Armageddon at Waco* released in 1995.⁹ Wright's offering provided two arguments. The first was that marginal religious groups are dehumanized and seen as brain-washed child molesters because of stereotypes and socially acceptable prejudice. The second was that marginal religions are more likely to be the target of overreaching and excessive social control by government agencies. The overlying theme of the essays was federal law enforcement agencies used unwarranted and inappropriate force to subdue a group about which they knew nothing. The Waco standoff was not an isolated incident, according to the authors. Instead it is a paradigm of the intolerance of groups that are outside of the mainstream, and the latent fear in society of behavior that is not viewed as normal.

⁸ James R. Lewis, ed. *From the Ashes: Making Sense of Waco*. (Lanham, MD: Rowman and Littlefield Publishers, Inc., 1994.)

⁹ Stuart A. Wright, ed. *Armageddon in Waco*. (Chicago, IL: University of Chicago Press, 1995.)

James Tabor, a religion professor at the University of North Carolina at Charlotte who was involved in the standoff when he offered to be an intermediary, coauthored *Why Waco? Cults and the Battle for Religious Freedom in America* with theologian Eugene Gallagher, which was released in 1995.¹⁰ They argued that the standoff could have been resolved peacefully, but a lack of respect of the Davidian religious beliefs and militaristic behavior by the government doomed any negotiations. In contrast to media accounts, the authors described Koresh as an intelligent man whose knowledge of scripture gained him the respect of his equally bright followers. They conceded that there was due cause to investigate Koresh, but the means of execution of an investigation were egregious. Much of the book looked at the role of anticult activists. Instead of relying on the advice of millennial scholars like Tabor, Phillip Arnold of the Reunion Institute, and Nancy Ammerman of Emory University, the FBI sought the advice of “cult busters”, who, the authors argued, had created hysterical stereotypes of new religious movements. Because of the anticult groups’ lack of understanding of and respect for the Davidians’ religious beliefs, the FBI adopted their attitude and discredited the importance of Koresh’s message in the context of the standoff. This was what Tabor and Gallagher identified as the key reason for the siege ending tragically.

Robert Simon analyzed the actions of the Branch Davidians from a psychological perspective in his 1996 work, *Bad Men Do What Good Men Dream: A Forensic Psychiatrist Illuminates the Dark Side of Human Behavior*.¹¹ Simon argued that David Koresh was dangerous because he was unable to differentiate between what was truly good and evil. Because of Koresh’s history of sexual and physical abuse of the children at Mt. Carmel, the authorities felt helpless in

¹⁰ James D. Tabor and Eugene V. Gallagher. *Why Waco?*. (Berkeley, CA: University of California Press, 1995.)

¹¹ Robert Simon. *Bad Men Do What Good Men Dream: A Forensic Psychiatrist Illuminates the Dark Side of Human Behavior*. (Washington, DC: American Psychiatric Press, 1996.)

their inaction and, therefore, had to do something to protect the children. Simon believed that Koresh failed to see his own evil tendencies and instead projected his fears of evilness onto the motivations of the government. This projection reached those who followed Koresh as well. Simon maintained that the Davidians opened fire on the BATF out of fear that the “evil” government would kill the “good” Davidians. He also claimed that the absolute Davidian worldview made mass suicide and martyrdom inevitable. Although critical of the FBI’s ignorance of the expert profilers who warned not to be confrontational, Simon thought that Koresh needed to be stopped by proper authorities before his psychoses hurt innocent children inside Mt. Carmel.

Charles Kimball carried Simon’s arguments and discussed how they fit into the context of religious freedom and law enforcement responsibility in 2002’s *When Religion Becomes Evil*.¹² Kimball argued that the Constitution does protect religious freedom, but the first amendment does not give absolute freedom in the name of religion. He maintained that because children were being subjected to cruel and substandard conditions, the federal law enforcement agencies were well within their right to get involved with the Branch Davidians. Kimball believed that the motivations for raiding Mt. Carmel – weapons stockpiles and child abuse – were legitimate reasons for government intervention. He further stated that armed apocalyptic “true believers” pose a threat to society at large, although he did not explain what those threats are. Nevertheless, because of the threat to society, Kimball argued that, not only did law enforcement have a right to investigate, it had a duty to take action against dangerous religious groups. Therefore, the BATF, FBI, and Social Services were all doing their duty in their actions against the Branch Davidians.

Stephen Tomajczyk was not as forgiving of the Bureau of Alcohol, Tobacco, and Firearms as Kimball, but agreed that the Federal Bureau of Investigations, especially the Hostage Rescue Team, tried their best to bring a peaceful resolution to the standoff. In his book *US Elite Counter-*

¹² Charles Kimball. *When Religion Becomes Evil*. (New York, NY: Harper Collins, 2002.)

Terrorism Forces, Tomajczyk argued that the April 19 CS gas assault was a legitimate attempt to get the Davidians to surrender.¹³ Tomajczyk cited Byron Sage's pleas over the "unarmed tracked recovery vehicles'" loudspeaker system, which included instructions for surrender, as proof that the HRT did its best to get the Davidians safely out of Mt. Carmel. He believed the HRT was worried about dangerous sanitary conditions at Mt. Carmel as a motivating factor in its decision to force evacuation of the building. When the fires started to consume Mt. Carmel, Tomajczyk asserted that the HRT broke down in tears. Tomajczyk placed blame on the Davidians for setting the fire, and relayed that a woman who tried to enter Mt. Carmel as it burned was rescued by an HRT leader. Tomajczyk believed that this illustrated both the Davidians' death wish and the HRT's benevolence.

Even though Tomajczyk argued that the Bureau of Alcohol, Tobacco, and Firearms made serious errors in the initial raid, James Moore openly supported the agency in *Very Special Agents: The Inside Story of America's Most Controversial Agency – The Bureau of Alcohol, Tobacco, and Firearms (Second Edition)*.¹⁴ In his work, Moore told of the fear local residents of Waco had of David Koresh and his followers. According to Moore, the locals were so grateful that the BATF raided Mt. Carmel that they raised thousands of dollars to support the families of slain and wounded agents, and held dinners to honor the agents who participated in the raid. At these dinners, those in attendance gave the guests of honor standing ovations to thank them for protecting the local community from Koresh. Moore also criticized the 1995 Congressional hearings. He contended that several committee members – Bob Barr and John Shadegg,

¹³ Stephen Tomaczky. *US Elite Counter-Terrorism Forces*. (Osceola, WI: MBI Publishing Company, 1997.)

¹⁴ James Moore. *Very Special Agents: The Inside Story of America's Most Controversial Agency – The Bureau of Alcohol, Tobacco, and Firearms*, 2d ed. (Champaign, IL: University of Illinois Press, 2001.)

specifically – of believing the surviving Davidians’ statements without question and refusing to give a fair hearing to members of the BATF and Treasury Department. Moore accused these representatives of being biased against the BATF, and allowing these biases to cloud their judgment of the bureau. Moore alleged that the National Rifle Association influenced the persecution of the BATF and nearly caused the agency’s demise. Moore argued that the consequences of the hearings, including the damaging of morale among agents, hurt society, as the BATF simply did its job on February 28, 1993: to protect society from a psychopath who had a significant arsenal and was ready to bring Armageddon to the masses.

Jayne Seminare Docherty of Eastern Mennonite University and Robert Agne of the University of Colorado at Boulder both analyzed the negotiations between the FBI and Davidians. Docherty’s book, *Learning Lessons from Waco: When Parties Bring Their Gods to the Negotiation Table*, outlined how the Davidians’ world view and the FBI’s world view were entirely different, and this led to negotiations failure.¹⁵ The FBI, Docherty argued, defined the standoff using social science constructs, while the Davidians saw the standoff through the context of apocalyptic values. Neither party understood the other’s beliefs and direction from which negotiations were coming. Agne, in his PhD dissertation entitled “Interaction Problems in Crisis Negotiation: A Case Study of the Waco Standoff”, argued that not only were both parties’ world views conflicting, but the standoff situation was defined differently by both sides.¹⁶ Agne argued that the FBI saw the standoff as a hostage situation, and believed that militaristic pressure would force the Davidians to exit. The Davidians, on the other hand, saw the military-style presence as fulfillment of biblical prophecies. Conditions inside Mt. Carmel during the siege were only marginally worse than the

¹⁵ Jayne Seminare Docherty. *Learning Lessons from Waco: When Parties Bring Their Gods to the Negotiation Table*. (Syracuse, NY: Syracuse University Press, 2001.)

¹⁶ Robert R. Agne. “Interaction Problems in Crisis Negotiation: A Case Study of the Waco Standoff.” (Ph.D. diss. University of Colorado – Boulder, 2003.)

conditions prior to the BATF raid. The Davidians remained in Mt. Carmel as a reflection of their devotion. Nevertheless, the FBI bargained with the idea that standard quid pro quo type negotiations would work, failing to take into account how tactical decisions played into Koresh's teachings, and how devoted to his teachings those inside were. According to Agne, this was why negotiations failed.

No analysis of the evolution of theories surrounding the Branch Davidian standoff would be complete without discussing the role of documentary films, as they have frequently framed the context for debate surrounding events at Mount Carmel. In late 1993, lawyer and head of the American Justice Federation, Linda Thompson, distributed a short film entitled *Waco: The Big Lie*.¹⁷ The main argument Thompson made was that flame throwing tanks set fire to Mount Carmel on April 19, 1993, killing the Davidians inside. She used one piece of news footage that showed a tank driving into the front of Mt. Carmel, and withdrawing with what looked like fire on the boom. This accusation started a lengthy debate on internet bulletin board sites, and in pro-gun publications such as *Soldier of Fortune* magazine. Many writers criticized Thompson's assertions by claiming the "flames" on the tank were simply light reflections on drywall or other building materials that had lodged onto the tank. Thompson followed her short documentary in 1994 with a feature length film called *Waco: The Big Lie Continues*.¹⁸ In this sequel, Thompson responded to her critics by showing a second news film segment that showed a tank inserting CS gas into the side of Mount Carmel, and withdrawing with what appeared to be a human being impaled on the boom and set afire. The tank quickly reinserted the boom into the building, and, as it withdrew again, there was nothing visible on the boom. She also used footage of a soldier or FBI agent

¹⁷ *Waco: The Big Lie*. Dir. Linda D. Thompson. American Justice Federation, 1993.

¹⁸ *Waco II: The Big Lie Continues*. Dir. Linda D. Thompson. American Justice Federation, 1994.

standing in front of the conflagration at Mt. Carmel with some sort of weapon that Thompson argued was a flame thrower. Thompson also claimed that, during the initial Bureau of Alcohol, Tobacco, and Firearms raid on Mt. Carmel, a young child was shot and escorted to an ambulance by BATF agents. Using a blurred still photo and footage of BATF agents scurrying to an ambulance carrying something resembling a small child, Thompson postulated that the child wounded or killed was Cyrus Koresh, David Koresh's oldest son. Linda Thompson's two main theories were discredited as the government began to release surveillance, infra-red, and home videos shot during the standoff.

Besides champions of civil liberties such as Thompson becoming involved in the Waco debate, the militia or patriot movement was also interested in what happened to the Davidians, as it helped to fuel anti-government, pro-gun sentiment. Ron Cole, a self-proclaimed militia leader, had moved to Waco after the April 19 conflagration and tried to establish himself as the new leader of the Branch Davidians. He also made a documentary film, *Day 51*, in which he argued that the Bureau of Alcohol, Tobacco, and Firearms agents opened fire on Mt. Carmel before any Davidians had an opportunity to "ambush" the BATF.¹⁹ Cole interviewed several Davidian survivors, including Annetta Richards, Catherine Matteson, Sheila Martin, and David Thibodeau, all of whom told a similar story that the BATF started the gunfight on February 28. Cole also asserted that the BATF was angry at Davidians Wayne Martin, a Harvard educated lawyer, and Jeffrey Little, a computer software programmer, for hacking into Pentagon computers and learning of a government plot to take weapons seized during the first Iraq war and giving them to urban gangs as a means of promoting self-elimination of minority urban poor. Ron Cole's source for this theory was a former Davidian named Wally Kennett. Kennett had been expelled from Mt. Carmel before

¹⁹ *Day 51: The True Story about Waco*. Dir. Richard Mosley. UTV, 1994.

the BATF raid for poor behavior.²⁰ Although there was absolutely no evidence to support Cole's conspiracy theory, those in the patriot movement saw this as further proof of expanding government powers, a movement towards a 'new world order', and something about which to be concerned. Despite never having anyone directly dispute his computer hacking claim, Ron Cole lost his credibility within the militia and patriot movements after he served prison time in the late 1990s for weapons violations.²¹ While in prison, Cole called for a violent overthrow of the United States government and claimed ties to Al Qaeda and Osama bin Laden.²² He also lost his clout among the Branch Davidian survivors after trying to move the group to Colorado and getting into a gunfight with Amo Bishop Roden, the wife of former Davidian leader George Roden, who was trying to claim the Mt. Carmel property as her own.

In 1997, the Waco debate moved from the margin to the mainstream with the release of Michael McNulty's *Waco: The Rules of Engagement*.²³ This Academy award nominated documentary featured interviews and analysis from survivors of the siege as well as a variety of experts. James Tabor and Phillip Arnold, respected millennial scholars, provided McNulty with a history of the group and how the siege fit into the Davidians' beliefs. Dick Reavis presented Koresh's history with local law enforcement and related the role of the media in the standoff. *The Rules of Engagement* also introduced audiences to Dr. Edward Allard, an expert on forward-looking infrared (FLIR) technology. McNulty had acquired copies of the FLIR video taken during the final assault on April 19, 1993 and gave it to Allard for analysis. Allard concluded that

²⁰ Alex Heard. "Apocalypse Soon." *Wired Magazine*. Issue 7.02, February 1999. A copy is available at http://www.wired.com/wired/archive/7.02/cole_pr.html.

²¹ Heard. "Apocalypse Soon".

²² Heard. "Apocalypse Soon".

²³ *Waco: The Rules of Engagement*. Dir. William Gazeki. Writers/Producers William Gazeki, Dan Gifford, Michael McNulty. Fifth Estate Productions, 1997.

government agents had fired into Mt. Carmel during the assault, despite government assertions to the contrary. Allard also insisted that the fire in the rear of Mt. Carmel started from a “flash-bang” grenade that was thrown into the building. *Waco: The Rules of Engagement* received mainstream airplay on HBO, and helped cause average Americans to question the official version of events.

Waco: The Rules of Engagement was followed by *Waco: A New Revelation*, released in 2003.²⁴ This documentary was a joint effort between Michael McNulty, who provided the research for the film, and Jason van Vleet, who directed the film. Two arguments from *Waco: A New Revelation* made this film significant in the discourse surrounding the standoff. First, McNulty and van Vleet interviewed several agents from the Central Intelligence Agency and the United States military who testified that Delta Force operatives were forwardly deployed and firing into the Mount Carmel building. This was a sharp departure from the uniform claims by government officials, who stated that there was no military presence, except as advisors, in Waco, and that no agents fired shots into Mt. Carmel. Although speculation of government gunfire on April 19, 1993 had been bandied around hours after the fire, van Vleet’s interviews finally gave credence to these theories.

The second major contribution of *Waco: A New Revelation* came during the filming of the documentary, in 1999. Michael McNulty and Jason van Vleet gained access to the evidence locker that contained weapons, grenades, and other items recovered from Mt. Carmel. While sifting through bags of evidence, the filmmakers found pyrotechnic mortar rounds that had been fired into Mt. Carmel as a means of delivering CS “tear gas”. Until this discovery, Attorney General Janet Reno and other officials who had been involved in the siege vehemently denied that the Federal Bureau of Investigations’ Hostage Rescue Team had used any pyrotechnic devices. In response to

²⁴ *Waco: A New Revelation*. Dir. Jason Van Vleet. Writers/Producers Rick Van Vleet, Stephen M. Novak, Jason Van Vleet, Michael McNulty. MGA Films, Inc. 2003.

pressure from Congress based on van Vleet's evidence locker discovery, Reno was forced to commission an independent counsel to investigate whether these newly discovered pyrotechnic rounds could have started the fire of April 19, 1993.

Janet Reno's admission that the Federal Bureau of Investigations lied about the use of pyrotechnic devices on April 19 prompted the mainstream media to scrutinize the role the government's agents had in the fire. Richard Leiby and David Stout of the *Washington Post*, and *New York Times*, respectively, wrote articles that analyzed the Justice Department's and FBI's claims of ignorance of the pyrotechnic devices.²⁵ Both journalists argued that Reno should have discovered the pyrotechnic usage before documentary filmmakers learned of their existence. They further argued that the FBI should have been straightforward about pyrotechnic usage from the beginning. For the FBI to have failed to do so raises questions about what else FBI leadership lied.

This work synthesizes previous arguments, including Agne's, Docherty's, van Vleet's, and McNulty's, and carries it further by arguing that, not only could the tragedy in Waco been avoided, the government actively exacerbated the situation and caused the Davidians' deaths. After the failed Bureau of Alcohol, Tobacco, and Firearms raid of February 28, 1993, a deep-seeded desire for revenge led to poor decision-making by the FBI, BATF, and Department of Justice, which, in turn, led to the deaths of the Branch Davidians on April 19, 1993. The BATF had lost so many men in the initial raid that the government's need to save face and justify the dead meant a violent outcome was the most likely end to the situation.

In short, the Waco siege was an escalation of poor judgments followed by attempts to hide these errors, which led to more poor judgments and created a vicious cycle. The Bureau of Alcohol, Tobacco, and Firearms had ample opportunities to arrest David Koresh peacefully from

²⁵ Richard Leiby. "FBI Reverses Position on Actions in Waco Siege". *Washington Post*. 26 August 1999.; and David Stout. "FBI Backs Away from Flat Denial in Waco Cult Fire". *New York Times*. 26 August 1999.

mid-1992 when he invited BATF investigators to inspect his weapons at Mt. Carmel, and as late as the third week of February 1993, when undercover agents, at Koresh's invitation, fired several of the Davidians' weapons on their property. The BATF ignored these occasions in favor of a paramilitary raid because it would give the battered agency positive publicity for its upcoming appropriations hearing. BATF leadership chose to carry out the raid despite demands for it to be called off by their undercover agent, who, when meeting with Koresh that morning, discovered the element of surprise had been lost. Once the raid failed, the BATF needed to justify what had occurred and did so by concocting stories of a Davidian "ambush".

The Federal Bureau of Investigations took control of the situation, yet the Davidians refused to surrender. For the next six weeks, negotiators tried to convince Koresh and his followers to surrender. Koresh refused, however, because God told him to wait. As Koresh subjected negotiators to long, scripturally based ramblings, tactical commanders frequently displayed their strength by cutting the electricity, surrounding the building with concertina wire, throwing stun grenades at those who exited, and engaged in psychological warfare. Instead of forcing an exit, however, these tactics steeled Davidian resolve to remain inside their home, and they saw these actions of fulfillment of Biblical prophecy. Thus, Koresh's credibility and power over his followers grew with the FBI's handling of the situation, further angering the FBI with their blatant disregard for the FBI's authority.

As the siege continued, resolution without force seemed less likely. A major breakthrough, however, occurred on April 14, 1993. Koresh claimed that God told him to write his interpretation of the Seven Seals and then surrender. Despite this new agreement, FBI and military leadership moved forward with tear gas assault plans. While persuading Janet Reno to approve the plan, the leaders never mentioned Koresh's agreement. Instead, they lied to Reno about child abuse in Mt.

Carmel to get her to approve the plan. Most likely, this drive for a tear gas assault was the result of officials' frustration at the Davidians' blatant and public disregard for government agents' authority coupled with a desire to punish those who did not respect said authority.

This work differs from other works because of the focus on the siege, final assault, and role of the media in driving policy choices. As illustrated in this chapter, there has not been analysis of these issues. Instead, writers have focused on negotiations failure, the role of "cult busters" in the standoff, narratives of the entire situation without any real arguments, and the subsequent cover-up. This effort looks at how the initial failure of the Bureau of Alcohol, Tobacco, and Firearms snowballed into an environment of hostility and revenge against those who embarrassed a federal law enforcement agency on national television by successfully repelling these agents off of their property.

Chapter 2

THE ANTHILL

The United States of America has always prided itself on being a society based on religious freedom. Many early European settlers who came to colonial America did so because they sought the freedom to practice their religion free from fear of persecution. The framers of the American Constitution thought the right to practice religion without government sanction was so important that they made this right the very first amendment in the Bill of Rights. Because the government was barred from establishing a national religion and prohibited from limiting the practice of religions, many new religious movements either started in or grew to prominence in the United States. Some of these new religious movements that gained acceptance moved from the margin to become mainstream religious denominations. Some others, while remaining small in their followers, became accepted and respected as a valid expression of faith. Quakers, Mormons, Mennonites, and Scientologists all started as marginalized groups who sought freedom within the confines of American values and have successfully grown into legitimate religious groups.

Despite the general protection of religion and new religious movements, acceptance of these movements is not always immediate or easy. Mormons, for example, suffered persecution from their neighbors and agents of the American government for several decades. Frequently, new religious movements have beliefs that run contrary to the Judeo-Christian foundation upon which the United States was built. It is when the perception that the new religious movement rejects this foundation that a group finds itself the target of investigations and other legal actions.

The Branch Davidians, as they came to be known during the standoff, had a dramatic, albeit short, history as a religious group, which contributed to their behavior and reaction to the

government's actions. They were a millennial group that believed that society was in the end of time and had frequently predicted Armageddon throughout their short history. The Branch Davidians were an off-shoot of the Seventh Day Adventist Church and believed themselves to be God's chosen people to survive the apocalypse. The Davidians had been situated just outside Waco, Texas since the early 1930s.²⁶ Founded by a Bulgarian immigrant, Victor Houteff, the group moved to Waco from Los Angeles after a book Houteff wrote angered officials of the Seventh Day Adventist church.²⁷ Houteff actively recruited followers from across the United States, who sold their possessions to move to the communal farm in Texas.

When Houteff died in 1955, however, the Davidians soon drifted and fragmented. Houteff's widow, Florence, moved the remaining members of the group to the area that became known as Mount Carmel, which lies just outside of Waco. After the move, in 1959, Florence Houteff declared that the Kingdom of God would arrive on Easter.²⁸ "Hundreds of followers...made the trip to Waco for the big event... [but] the Lord did [not] come and the failed prophecy shook the Davidians to the core."²⁹ Bill Pitts, a Baylor University religion professor who has studied the Davidians, explained, "After two or three weeks, they experienced what is called 'The Great Disappointment'."³⁰ Because Florence Houteff's prediction of Armageddon did not materialize, most of the Davidians left Mount Carmel for good, disillusioned by the revelation that Houteff was a false prophet.

²⁶ *Waco: The Rules of Engagement*.

²⁷ Barbara Kantrowitz, et al. "The Messiah of Waco." *Newsweek*. 15 March 1993, 57.

²⁸ Kantrowitz, et al. "The Messiah of Waco", 57.

²⁹ Kantrowitz, et al. "The Messiah of Waco", 57.

³⁰ Quoted in Kantrowitz, et al. "The Messiah of Waco", 57.

Because of the false prophecy, a struggle for power splintered the group again, with Ben Roden declaring himself the leader of the Davidians.³¹ Roden remained as leader until his death in 1978, and his widow, Lois, took control of the group.³² Lois managed to alienate some of the remaining Davidians by proclaiming the Holy Spirit was feminine, but some followers saw Roden as divinely inspired. Many chose not only to remain at Mount Carmel, but to devote their entire lives, and those of their young children, to Lois Roden and her church.

Just after Lois Roden gained the church leadership, a young man named Vernon Wayne Howell joined the church. Howell was the illegitimate son of a teenaged mother, who later, as sometimes Howell claimed, became a prostitute.³³ Young Vernon suffered from dyslexia and, eventually, dropped out of school during the eleventh grade.³⁴ His grandmother, however, instilled a strict Christian upbringing, and Vernon derived great pleasure from reading and memorizing the Bible. He also developed a love for music, playing the guitar and singing about the word of God. Howell quickly became disillusioned by the Seventh Day Adventists' lack of direction and the contempt church leaders held for him because of his long hair and casual dress.³⁵ He moved to Waco and found the spiritual environment he craved among the Branch Davidians. Howell continually impressed the church members with his knowledge of the Bible, and used his charisma to gain favor, not just with his fellow Davidians, but also with Lois Roden. Soon she and Howell became lovers, despite their forty-five year age difference.³⁶ After a few years, though, Howell tired of Lois Roden, and married Rachel Jones, the fourteen year old daughter of two Davidians.

³¹ Waco: *The Rules of Engagement*.

³² Kantrowitz, et al. "The Messiah of Waco", 57.

³³ Reavis. *The Ashes of Waco*, 23-24.

³⁴ Reavis. *The Ashes of Waco*, 26. Some accounts claim that Koresh dropped out of school after grade nine.

³⁵ Kantrowitz, et al. "The Messiah of Waco", 57.

³⁶ Reavis. *The Ashes of Waco*, 76.

By the time he married Rachel, however, Vernon had set himself in a position to challenge George Roden, Lois and Ben Roden's son, for leadership of the church upon Lois' death.

After Lois' death in 1986, a power struggle ensued between her son George and her young lover Vernon Howell. Howell moved his followers to a wooded encampment in Palestine, TX while Roden and his followers remained at Mt. Carmel. Roden allowed various riffraff on the property, including some who constructed a methamphetamine laboratory on the property. In late 1987, Roden challenged Howell to a contest for the leadership of the Davidian group. Roden dug up the skeletal remains of a follower, challenging Howell, as a self-proclaimed messiah, to resurrect the woman. Howell declined the challenge, but reported Roden to the local authorities for corpse abuse. The law enforcement officers refused to do anything because Howell had no evidence of Roden's crime. Howell snuck onto Mt. Carmel with some of his followers, all of whom were armed, to gain photographic evidence that Roden illegally exhumed the body, but were ambushed by Roden and some of his supporters. A short gunfight broke out before Howell and his men were arrested for attempted murder. All defendants, including Howell, were acquitted.

Roden, however, had several outbursts in the courtroom during the trial and was arrested and jailed for threatening to give the judge AIDS and violating a 1979 restraining order that forbade Roden from setting foot on the Mt. Carmel property.³⁷ Howell won the property outright, and the judge ruled that the Davidian church's trustees would become full owner of the property if they remained on it until March 22, 1993, five full years from the date of the directive. Howell and his followers returned to Mt. Carmel, constructed the communal building from lumber taken from dismantled outbuildings, and destroyed the methamphetamine laboratory with the help of local law enforcement. Because of their fear of George Roden and his handful of supporters, the Davidians

³⁷ Reavis. *The Ashes of Waco*, 81.

residing at Mount Carmel started to collect weapons, first as a means of protection, then as a successful, albeit modest, business.

During his encampment at Mount Carmel, Vernon Howell traveled to Israel on several occasions in the late 1980s as a pilgrimage of faith and devotion. On one of these trips, Howell claimed that he received a message from God telling him that he and his followers were chosen to be saved to live in a post-apocalyptic world. God further ordered him to have many wives, starting with his twelve year old sister-in-law Michelle, and father many children, who would be the governing council. These messages formed the justification for what Howell called his New Light Revelation. Howell shared his revelations with his wife Rachel. According to his followers, at first, Howell seemed troubled by this divine mandate of multiple wives. He and Rachel discussed this for several months, finally deciding that it was God's word, and they, as mortals, had no options but to obey it. Vernon Howell was drawn to the younger females in the church and started a sexual relationship with several of them, most of whom were under the age of consent. Their parents, however, permitted the statutory rape, as they believed their daughters were chosen for a special honor. In contrast to his sexual activity, Howell demanded celibacy among the ranks of his believers.³⁸

Howell also claimed that God told Howell to change his name to David Koresh, after King David, and Koresh, the Hebrew word for Cyrus.³⁹ This change of moniker symbolized Howell's status as the Lamb of God spoken of in the apocalyptic book of Revelations. The Lamb, according to Revelations, was the chosen one who would open the Seven Seals during the end of time. This

³⁸ David Thibodeau and Leon Whiteson. *A Place Called Waco: A Survivor's Story*. (New York: Public Affairs, 1999), 148-156.

³⁹ *Waco: The Rules of Engagement*.

became the center point around which the Davidian beliefs revolved. Howell legally changed his name to David Koresh in 1990.⁴⁰

Several Davidians left Waco and alerted authorities to the statutory rape and other alleged abuses among children. Chief among those who defected were Marc Breault and his wife Elizabeth Baraynai. Breault, a Hawaiian native who expatriated to Australia, and Koresh had a falling out when Steve Schneider gained favor with Koresh, usurping Breault's "lieutenant" status. David Koresh found Marc Breault's devotion and adherence questionable and realized that he harbored plans to overtake the leadership of the Davidians.⁴¹ Breault left the group in 1989, because, he claims, of Koresh's sexual relations with underage followers, and, over the next four years, his mission was to see Howell exposed as a fraud and go to prison for statutory rape and child abuse. Prior to the February 28 raid, law enforcement and the media in the United States ignored Breault's allegations and believed Breault was acting on self-indulgent motivations. Breault told the media of child abuse, weapon stockpiles, elaborate plots of terrorism against the United States government, mass suicide plans, and Koresh's harem of underage women.⁴² Finally, local officials did investigate the conditions at Mt. Carmel, but the McLennan County Sheriff's Department and Texas' Division of Youth and Family Services found no proof of any wrongdoing or abuse.⁴³

Breault took his case to David Jewell, whose young daughter Kiri lived at Mount Carmel with Jewell's ex-wife, Sherri. Marc Breault convinced David Jewell that Koresh took Kiri as his wife when she was ten, although Breault had been out of the group for two years at that point.

⁴⁰ Kantrowitz, et al. "The Messiah of Waco", 57.

⁴¹ Thibodeau and Whiteson. *A Place Called Waco*, 98.

⁴² *Waco II: The Big Lie Continues*.

⁴³ *Waco: The Rules of Engagement*.

Sherri Jewell denied Breault's allegations, but, when David Jewell took custody of Kiri as per a previously arranged custody schedule, he filed for permanent custody in Michigan, where he lived. Prior to the hearing, Breault and Jewell "deprogrammed" Kiri, who suddenly remembered being molested by Koresh, learning the "correct" way to commit suicide, and training in firearms. Using these memories, David Jewell presented to the court a compelling case to have sole custody of Kiri, and Marc Breault corroborated Kiri's stories. Sherri Jewell and Steve Schneider testified that Kiri was lying and being manipulated by Breault, but the judge ruled in favor of David Jewell. Sherri and Steve returned to Mount Carmel, dejected, and Marc Breault had a new ally in his fight to topple Koresh – David Jewell.

There is evidence that several Davidians who had chosen to stay after the New Light Revelation, namely Steve and Judy Schneider, had grown tired of Koresh and his behavior before the stand-off in 1993 and wanted to leave. According to Steve's sister Sue Johnson, Steve, Koresh's second-in-command, actively disliked Koresh. Survivor David Thibodeau relayed a conversation he had with Steve Schneider about the New Light Revelation and the fact that his wife of ten years got impregnated by Koresh, even though Steve and Judy were otherwise childless. Thibodeau said that Schneider was angry that Koresh and "his magical sperm" quickly got Judy pregnant. Steve often considered leaving so he could live freely with his wife, but did not because "if your wife had a chance to marry the Lamb [of God], would you want to hold her back?"⁴⁴ With this commitment to Koresh and his message, Steve believed that, "Judy and I...couldn't just leave Mount Carmel. But hell, for one moment back then I really wanted to kill him!"⁴⁵ Marc Breault, who had introduced the Schneiders to the Davidian leader, had staged an intervention with Steve's family in early 1992 to try and get Steve and Judy away from Koresh.

⁴⁴ Thibodeau and Whiteson. *A Place Called Waco*, 85.

⁴⁵ Thibodeau and Whiteson. *A Place Called Waco*, 86.

Both Breault and Steve's family said that Schneider had wanted to leave, but "the book compelled him to continue."⁴⁶ Many Davidians chose to stay with Koresh to ensure their salvation than to surrender and be damned. Video tapes made inside of Mount Carmel indicated this salvation-oriented mentality. Several Davidians expressed both their faith in God and how surrendering to authorities would jeopardize their saved status. Koresh himself joked in the *A Current Affair* piece and in the home movies that many people did not like him, but believed he was the Lamb who would lead the group through the end of times.

David Koresh and his associates split time between Mount Carmel and another home in Los Angeles. They used the Los Angeles home to try and jumpstart Koresh's music career and to recruit new believers. According to David Thibodeau, a Los Angeles drummer who later joined the Davidians at Mount Carmel, Koresh was not overly pushy in his missionary work, but, instead, invited people to the home for one Bible study, and, if the person liked it, he or she could return.⁴⁷ Once a member of the Mount Carmel Davidians, people lived on the property but worked predominately outside of the church, in the Waco community. Within Mount Carmel resided lawyers, auto mechanics, builders, postal workers, and gun dealers. The Davidians, although perceived as strange, were an active and respected part of the Waco community. Even law enforcement officers often joined the Davidians on their property to fire weapons at their private shooting range.⁴⁸

The Davidians first started to arouse federal government suspicion when a United Parcel Service driver alerted the Bureau of Alcohol, Tobacco and Firearms about "large" shipments of

⁴⁶ Marc Breault and Martin King. *Inside the Cult: A Member's Chilling, Exclusive Account of Madness and Depravity in David Koresh's Compound*. (New York, NY: Signet Books, 1993), 271 and 278.

⁴⁷ Thibodeau and Whiteson. *A Place Called Waco*, 73.

⁴⁸ *Waco: The Rules of Engagement*.

gun parts and hand grenade casings.⁴⁹ The ATF opened a case against Koresh and his followers immediately after receiving this tip. Searching through UPS records, BATF investigators found that over \$10,000 worth of guns, ammunition, and explosive black powder had been delivered to the “mag bag:, a storage building used by the Davidians, about two miles from the church itself.”⁵⁰ Special Agent Davy Aguilera was assigned to lead the investigation against the Davidians and quickly made inquiries into Koresh’s activities.

Suddenly, the Bureau of Alcohol, Tobacco, and Firearms was interested in speaking with Marc Breault, Kiri and David Jewell, and other former Davidians such as Robyn Bunds, who had left the group with her son, who was fathered by Koresh, after finding her mother Jeanne in bed with Koresh. Breault and Bunds continued to tell authorities about child abuse and plans to overtake the federal government. Bunds frequently compared Koresh to Charles Manson, notorious serial killer during the late 1960s, and Kiri Jewell’s “memories” of molestation and suicide training helped to fuel Aguilera’s interest in the group. Besides the former members, the BATF interviewed neighbors who claimed to have heard automatic weapons fire.

Davy Aguilera also got in touch with Henry McMahon, the Davidians’ “civilian” weapons distribution business partner. Aguilera and Jimmy Skinner, another BATF agent, visited McMahon to investigate his “compliance with Federal gun laws”.⁵¹ According to the Treasury’s report, Henry was out of compliance, but the BATF did not issue any fines or citations because they “did not want to arouse suspicion”.⁵² In fact, according to McMahon’s testimony before a Congressional investigational hearing, the meeting was highly irregular and highly suspicious. Mc

⁴⁹ United States Department of Treasury. *Report of the Department of Treasury on the Bureau of Alcohol, Tobacco, and Firearms’ Investigation of Vernon Wayne Howell, also known as David Koresh*. (Washington, DC: Government Printing Office, 1993), D-4 – D-5.

⁵⁰ United States Department of Treasury. *Report of the Department of Treasury*, 17.

⁵¹ United States Department of Treasury. *Report of the Department of Treasury*, 26.

⁵² United States Department of Treasury. *Report of the Department of Treasury*, 26.

Mahon claimed that the questions asked were not “compliance type questions. And that’s what they were there to do. They were there to do compliance. These aren’t compliance questions, and so I was concerned that I was going to give them an answer that I shouldn’t.”⁵³ Fearing giving a wrong answer, McMahon called Koresh and told him that the BATF was asking questions. According to McMahon, Koresh said, “Well, if there’s a problem tell them to come out here.”⁵⁴ McMahon put Koresh on hold and walked back where Skinner and Aguilera were waiting. When McMahon informed the agents that he had David Koresh on the phone, “Davy Aguilera jumps up and goes, ‘don’t call. Don’t call.’ I go, ‘I got him on the phone.’ And he goes [pantomiming a stunned look, hands waving and mouthing the word ‘no’].”⁵⁵ As Aguilera was momentarily stunned, McMahon turned to Skinner and asked, “Well, do y’all need to go out there, you know? He’s going, if y’all got a problem, come out there.”⁵⁶ Skinner told McMahon that the agents did not need to go out to Mt. Carmel. McMahon then asked Aguilera, “Do you need to go out there? Is there anything that you need to ask him? Is there anything that you need to do?” He said no.⁵⁷ McMahon returned to the phone and told Koresh that they did not need to visit and hung up.⁵⁸ The BATF failed to meet an opportunity to search, peacefully, Mount Carmel for these alleged illegal weapons. Instead, the BATF continued their investigation and to lay the groundwork for their February 28, 1993 raid.

The next step was to set up undercover agents. On January 11, 1993, eight BATF

⁵³ Subcommittee on Crime of the Committee on the Judiciary and the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight, of the House of Representatives, One Hundred Fourth Congress. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One) Joint Hearings Before the Subcommittee on Crime of the Committee on the Judiciary and the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight, of the House of Representatives, One Hundred Fourth Congress, July 28, 31, and August 1, 1995.* (Washington, DC: Government Printing Office, 1995), 163.

⁵⁴ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 162.

⁵⁵ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 162.

⁵⁶ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 162.

⁵⁷ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 162.

⁵⁸ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 162.

agents moved into a house adjacent to the Mount Carmel complex. The undercover agents posed as students from Texas State Technical College, immediately rousing the suspicion of the Davidians. “[The agents] were too old to be convincing. They carried briefcases and drove cars too new and too expensive for students to afford. Raid planners gravely underestimated David Koresh’s savvy and suspicion -- the review team discovered that Koresh had had checks run on the cars and found that three of the four had no credit liens outstanding.”⁵⁹ Not only did the agents not look the part, they also claimed to be philosophy majors, which the college did not offer.⁶⁰ Despite their reservations, however, the Davidians welcomed the undercover agents, especially Robert Rodriguez, who made an effort to infiltrate the Mount Carmel complex. Rodriguez first visited the Davidians under the guise of buying a horse walker and met Koresh for the first time. He returned to the complex for a Bible study and invited Koresh to shoot. Quickly, Rodriguez became a regular at Mount Carmel, attending Bible studies, and meeting with Koresh.⁶¹ A week prior to the BATF raid, Rodriguez and his undercover partners went shooting at Mt. Carmel at Koresh’s invitation. Koresh provided the agents with ammunition but remained unarmed until one of the agents loaned Koresh his pistol.⁶² Again, the BATF failed to capitalize on an opportunity to arrest Koresh quietly and without incident.

On February 28, 1993, the Bureau of Alcohol, Tobacco, and Firearms staged a dynamic raid on the communal church in an effort to serve a search and arrest warrant. Despite David Koresh’s history of friendly coexistence with local law enforcement, the agency decided a surprise raid on the church would be best, as it would garner the agency publicity for their upcoming Senate

⁵⁹ Erik Larson. “How a Cascade of Errors Led ATF to Disaster at Waco”, 28.

⁶⁰ Thibodeau and Whiteson. *A Place Called Waco*, 163.

⁶¹ United States Department of Treasury. *Report of the Department of Treasury*, 33-34.

⁶² Davy Aguilera. “Bureau of Alcohol, Tobacco, and Firearms Report of Investigation”. Report 039, Monitor Number F53192-09. 22 February 1993. Received from BATF via Freedom of Information Act. (Hardy v. FBI & ATF, No. 95-883-TUC-ACM, D. Ariz.) Privately held collection.

Appropriations Committee hearing. The element of surprise was lost, however, when a news crew asked David Koresh's brother-in-law, David Jones, who worked as a postal carrier in Waco, for directions to Mt. Carmel. Jones notified Koresh, who, in turn, told the undercover BATF agent, Robert Rodriguez, to "fulfill his duty" as a law enforcement officer.⁶³ Although Rodriguez demanded to BATF Commanding Officer Charles Sarabyn that the raid be called off because the element of surprise had been lost, one hundred agents pulled up to the front of Mt. Carmel in tarp-covered cattle cars, ignored Koresh's offer to negotiate, and opened fire on the building. It is unclear who shot first. Despite the fact that the BATF maintains that the Davidians were lying in ambush, the most likely scenario is that the agents assigned to control the Davidian dogs shot them before the other crews were in place. Some Davidian survivors claim that the first shots came from the helicopters meant to serve as a diversion.⁶⁴ Nevertheless, a ninety-minute gun battle erupted, leaving four federal agents and six Davidians dead, and dozens on both sides wounded. The raid yielded no weapons because Paul Fatta and his son, Kalani, had taken the majority of the Davidians' weapons to a gun show in Austin, TX as part of the Davidians' business. The positive publicity the BATF so desperately wanted did not materialize, as the entire raid was filmed for television news.

Because of the media's presence, the Bureau of Alcohol, Tobacco, and Firearms had videographic proof of their mistakes that quickly went to a nationwide audience. Koresh and his followers did not and would not surrender; therefore, the BATF's errors looked even more egregious. The Davidians were behaving lawlessly, and, even though they had the right to self defense, they refused to exit Mt. Carmel. This refusal provided the government – specifically the

⁶³ Thibodeau and Whiteson. *A Place Called Waco*, 179.

⁶⁴ Interviews with Catherine Matteson and Annetta Richards featured in *Day 51*.

Federal Bureau of Investigations – ample opportunity to avenge the Bureau of Alcohol, Tobacco, and Firearms, and cover evidence of their mistakes.

Chapter 3

“GOD HELP US! WE WANT PRESS!”

The media has always played a significant role in shaping public attitudes about world events. Frequently, the press has used its portrayal of events to promote an editorial agenda. As the line between journalism and entertainment continues to blur, news outlets scamper to find a way to win a bigger audience, often by using sensationalistic methods and choosing dramatic stories to cover. While this is not a new phenomenon, the trend towards the dramatic has definitely moved much more rapidly with the invention of television and creation of “news magazine” programs.

Americans now rely on visual news broadcasts to form their opinions of government policies, and television news has rapidly become a combination of information and entertainment. “Info-tainment” evolved throughout the late 1980s and early 1990s, and, in 1993, the media got the opportunity to perfect their symbiosis of news and entertainment outside of Waco, Texas.

In 1993, the Bureau of Alcohol, Tobacco, and Firearms raided a communal church in search of illegal weapons. David Koresh, the church’s leader believed that he was the son of God, brought to earth to lead his followers through Armageddon. Koresh was rumored to have a harem of underage girls who were considered his wives and who bore him numerous children. He had also been investigated for child abuse, but authorities found no evidence of it. The Branch Davidians provided news outlets -- especially the new cable news channels, and increasingly popular “news magazine” shows – the right mix of sex, violence, intrigue, drama, and weirdness that the population craved, and the media delivered to the public overly sensational coverage of the group.

From the first moments of the February 28, 1993 raid, the media played a significant and active role in the confrontation. The Bureau of Alcohol, Tobacco, and Firearms called local media outlets before the surprise raid on the church, as it would garner the agency publicity for their upcoming Senate Appropriations Committee hearing. Still reeling from the negative publicity surrounding their action in Ruby Ridge, the BATF hoped that a successful raid against the Davidians would prove the worthiness of the Bureau in their upcoming Congressional appropriations hearing. While the BATF planned and trained for the raid, Special Agent Sharon Wheeler began contacting local media outlets to get weekend contact numbers. When questioned about it during the Congressional investigation hearing, Wheeler tried to explain her actions. “What happened is that the day before the raid my boss, Mr. Royster, came up to me and he gave me the name of a reporter at Channel 4 in Dallas and said that after the raid occurs, I want you to contact this reporter.”⁶⁵ Because of issues with the expiration of the warrant, the raid was changed to Sunday from Monday, and Wheeler did not have weekend contact numbers.⁶⁶ She also told Royster that, if she only contacted one Dallas station, the other two networks “would eat [her] alive.”⁶⁷ She eventually, prior to the raid, “contacted Channel 8 and Channel 5 in Dallas. I never mentioned the word ‘Waco’. I never mentioned the word ‘raid’. I just said we might have something going on here in Dallas this weekend and I’d like to have a weekend contact number. That’s what I was given.”⁶⁸

After the failed initial raid, the Federal Bureau of Investigations descended upon Waco to force the Davidians to surrender. The first thing the FBI did was to cut all communications from the complex to the rest of the world. They eventually severed the electricity and water sources as

⁶⁵ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 762.

⁶⁶ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 762.

⁶⁷ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 762.

⁶⁸ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 762.

well, leaving the Davidians isolated entirely from the outside world. When negotiations were “successful”, the FBI restored power to Mt. Carmel. For the first two weeks of negotiations, the FBI used the electricity as a negotiating incentive, until the tactical unit decided, on March 11, to sever the electricity permanently, much to the negotiators’ chagrin. Because of the degree of failure during the initial raid, which included four dead agents and six dead Davidians, the BATF was forced to play damage control. The BATF made the claim that they were outgunned at Mount Carmel on February 28, 1993. BATF and FBI spokesmen made the talk show circuit to discuss how the Davidians opened fire upon the agents using .50 caliber machine guns, although no .50 caliber machine guns were recovered from Mt. Carmel, making the government’s weapons “sound like pop-guns”.⁶⁹ When asked at a press conference if the FBI was utilizing psychological warfare tactics, Bob Ricks, the FBI spokesman, denied the government would ever utilize such tactics.⁷⁰

The one thing Koresh consistently wanted, though, was an opportunity to address the nation, and the world, to share his side of the raid and his theology. Finally, negotiators promised Koresh an opportunity to have a tape-recorded statement broadcast on national media during prime time on March 2. Once played, the Davidians would surrender. David made his recorded statement and sent it to authorities through two elderly women followers as they exited the complex, but FBI Special Agent in Charge of Waco Operations Jeff Jamar reneged on the negotiators’ promise for national media coverage because Jamar did not understand the importance of Koresh’s theology among those still inside of Mt. Carmel. Instead, Jamar had it played on a local station at 1:30 in the afternoon, and the Davidians did not surrender because Koresh claimed God told him to wait. The FBI publicly stated that Koresh had lied to them by not coming out of Mt. Carmel, and judged each subsequent promise to end the stand-off as another lie or delaying tactic. FBI agents, such as Jeff

⁶⁹ *Waco: The Rules of Engagement*

⁷⁰ Undated FBI press conference, shown in *Waco: The Rules of Engagement*.

Jamar, consistently stated in Congressional testimony that other offers to surrender after a specific time or event were simply a delaying tactic instead of negotiating in good faith.

While this was going on, the media was denied access to the Davidians and the Mount Carmel complex. Citing possible danger to any journalist who might encounter a Davidian, the FBI kept members of the media at least two miles away from Mount Carmel. Several journalists questioned the motivations behind this mandate and admitted their inability to provide proper scrutiny of the government's actions in their news broadcasts. Despite these reservations, the media broadcast the government's statements without Davidian balance.

One Davidian-friendly radio personality in Waco tried to unofficially mediate the situation. Ron Englemann invited theologians, including James Tabor of the University of North Carolina at Charlotte and Philip Arnold of the Reunion Institute, who came to Waco to offer their expertise to the FBI to speak about Koresh and his theology. Sympathetic callers urged Davidians to move their satellite dish to indicate they were listening.⁷¹ Another caller recommended that the Davidians communicate with the outside world using flags flown outside of the third story window. The Davidians took that advice and soon resorted to primitive communication tactics, hanging signs painted on bed sheets, begging for the press with phrases such as "God help us; we want press!", and decrying their oppression with phrases such as "Rodney King, we understand." None of the protests bore fruit, however. The FBI's maintenance of silence between the Davidians and the media continued and the FBI manipulated the events with the Davidians in the media to further their case for the impending actions. In one case, the Davidians had negotiated the exit of one of the children from the complex in exchange for much-needed milk for the remaining

⁷¹ *Day 51*.

children, but it never came.⁷² Alternatively, Bob Ricks of the FBI claimed to the media that the Davidians refused the milk that the government tried to give them.⁷³ Unfortunately, the media bought this story, as they had no way to corroborate it, and used it to further demonize Koresh and his followers.

Despite their inability to provide balanced coverage, the media covered the story extensively. John McLemore, who was one of the journalists covering the initial raid, said that news outlets were so hungry for stories about the Davidians that stations would broadcast anything, without verifying the veracity of the story.⁷⁴ Frequently, news reports were based upon elaborate rumors started to “prove” how dangerous the Davidians were. For example, several local media outlets broadcasted stories about how the ponds around Mt. Carmel were filled with nitroglycerin.⁷⁵ Many times, the sources for the news stories were former Davidians, including Marc Breault. Breault told the media of child abuse, weapon stockpiles, elaborate plots of terrorism against the United States government, mass suicide plans, and Koresh’s harem of underage women.⁷⁶ The media also spoke with Robyn Bunds, one of Koresh’s former lovers, who bore him a son, Shaun. Although Breault’s and Bunds’ motivations were problematic, the media used their claims after the initial raid as absolute truth to create their “must-see TV” and “must-read” stories. Even though some adults had exited Mt. Carmel, and some Davidian adults had been outside of Mt. Carmel during the February 28 raid, few were consulted, and the sensationalized allegations were never countered by someone who would know differently.

⁷² Reavis. *The Ashes of Waco*, 225.

⁷³ Reavis. *The Ashes of Waco*, 225.

⁷⁴ *Waco: A New Revelation*.

⁷⁵ *Day 51*.

⁷⁶ *Waco: The Big Lie Continues*.

Breault, however, continued to tell of Koresh's depravity until finally someone took notice. That someone was Australian journalist Martin King, a popular reporter for Australia's *A Current Affair*. With Breault's evidence, King adopted Breault's message as his own and traveled to Waco to interview David Koresh. Although a journalist by trade, King lacked any objectivity with the story and freely admitted his distain for Koresh and his followers. "You can tell it in their faces – the [Davidians] hate us. I can't help thinking that I hate them too and, straight away, I feel guilty for doing so... [I]t's difficult to be objective."⁷⁷ King's expose', which was the only documentary-type feature done on the Davidians before the fire that killed most of them, aired worldwide during the siege.

King managed to convince Koresh and his advisors to allow King and his crew unrestricted access to Mt. Carmel.⁷⁸ Koresh believed that King wanted to do a piece on the Davidian message, but this was not the case. While at Mt. Carmel in mid-1992, King interviewed Koresh and asked questions about the Davidians' weapons, underage sexual encounters, the leadership struggle between Koresh and Roden, and some of the more controversial teachings of his doctrine, such as separating married couples. King and his crew also attended a Bible study, which King likened to "mental hammering",⁷⁹ and video taping the Davidians' behavior during Koresh's sermons. This footage was then edited and pieced together to show Koresh's followers answering biblically based questions in unison, with the implication that these people were brainwashed. King's crew recorded Davidians laboring to construct the communal church that became infamous during the siege. Over this footage, King editorialized that the followers were violent and militarized. He

⁷⁷ Breault and King. *Inside the Cult*, 11.

⁷⁸ Thibodeau and Whiteson. *A Place Called Waco*, 128.

⁷⁹ "Madman of Waco" featured in *A Current Affair*. Martin King, reporter/director. 1993.

edited the soundtrack as well, superimposing audio from an unrelated BATF agent assault of a cameraman, making it seem that the Davidians assaulted King's cameraman.⁸⁰

In addition to spending time at Mt. Carmel, Martin King interviewed former followers, including Robyn Bunds, Bruce and Lisa Gent, whose twin children, Peter and Nicole, perished, and James Thom. All four discussed how Koresh beat children, sometimes “for thirty to forty minutes”.⁸¹ Bunds claimed that Koresh beat their son until “his bottom bled”,⁸² and Bruce Gent maintained that several children, many of whom were less than a year old, were beaten so often that “their bottoms were calloused”.⁸³ Thom alleged that Koresh beat his daughter and demanded that Thom “sacrifice” her. When pressed to define sacrifice, Thom said that Koresh expected him literally to kill his child.⁸⁴ Both Thom and Bunds made direct comparisons between Koresh and Charles Manson.⁸⁵ All of these allegations helped to fuel the sensational nature surrounding the Davidians and create anti-Davidian sentiment that enabled the FBI assault Mt. Carmel with little public outcry.

A Current Affair, like several other news shows and networks, used the Davidian standoff to experiment with tabloid-esque “infotainment” methods. *A Current Affair*, which ran the exclusive Koresh interview, started its run in the United States in 1986 and in Australia, which is the group who produced and distributed the special report, in 1990.⁸⁶ Their competition, *Inside*

⁸⁰ “Madman of Waco”.

⁸¹ “Madman of Waco”.

⁸² “Madman of Waco”.

⁸³ “Madman of Waco”.

⁸⁴ “Madman of Waco”.

⁸⁵ “Madman of Waco”.

⁸⁶ Internet Movie Database. <http://www.imdb.com/title/tt0182568/>; and <http://www.imdb.com/title/tt0090412/>.

Edition and *Hard Copy*, both started after *A Current Affair*, in 1988 and 1989 respectively.⁸⁷ All of these shows played up the more dramatic aspects of the Davidians' beliefs – child abuse allegations, sexual encounters with underage girls, and massive weapon stockpiles. Added to these allegations were sinister soundtracks and emotional images, such as Koresh overlaid with fire. Even *The Phil Donohue Show*, which pioneered talk television, was not immune to the Davidian melodrama. Donohue invited Kiri Jewell to his show. Jewell, who was twelve at the time, claimed to have been molested by Koresh when she was ten. Despite vehement denials of these claims from Kiri's mother and Kiri's unwillingness to press charges, Donohue gave Kiri and her father an open forum to relay accounts of Koresh's depravity. Kiri's father also booked her on *Inside Edition* and negotiated to sell her story to television.⁸⁸ After the April 19 fire, the fledgling *Maury Povich Show* followed suit, inviting survivors of the inferno and their families to "tell their side of the story".⁸⁹ Instead, the show devolved into Povich and audience members interrogating the survivors about the abuse and reviling them for "allowing the innocent children to burn to death".⁹⁰ These tabloid shows helped to propagate widely held stereotypes about the Davidians and dehumanize them, further justifying the FBI's actions.

The Bureau of Alcohol, Tobacco, and Firearms also commissioned a movie deal, to be shown on NBC during prime-time television viewing. *Ambush in Waco* premiered in early May, just weeks after the fire that consumed Mt. Carmel, and was the perfect compliment for the government's sensational stories about the Davidians. In the movie Koresh was shown torturing a young child, having sex with a young follower, and not allowing people to leave if they so chose. The Davidians were depicted as gun-sporting Rambo-type militants, who wanted to kill anyone

⁸⁷ Internet Movie Database.

⁸⁸ Moore. *The Davidian Massacre*, 470.

⁸⁹ Thibodeau and Whiteson. *A Place Called Waco*, 326.

⁹⁰ Thibodeau and Whiteson. *A Place Called Waco*, 326.

and everyone who challenged their leader. The film was obviously sympathetic to the BATF, and showed the February 28 raid in a highly fictionalized manner. The Davidians, dressed in black military fatigues, stood at battle position, poised with their machine guns aimed at the front door, waiting to the BATF agents to get close enough before they opened fire. The BATF commanding officer in the film was shown calling into Mount Carmel, reaching the Steve Schneider character, wanting to negotiate a cease-fire. Character Schneider refused the offer to negotiate, demanding the BATF agents “get off our land!” Eventually he acquiesced, so the BATF could remove their casualties. The movie’s final scene portrayed David Koresh on the phone, surrounded by his followers, telling the BATF that they “have no right to be [there], but it’s prophecy...the Lamb of God knew the end was coming, and [they] have been preparing for this armed conflict for a long time. This won’t be over until [Koresh is] crucified and dead!”⁹¹ Obviously, the calls to 911 by several Davidians during the February 28 raid would hinder government assertions that the Davidians were gun-crazy, and the tapes of these calls were not released until several years after the raid. Many years after the film came out, Phil Penningroth, writer of *Ambush in Waco* apologized to the surviving Davidians for his role in the helping the government destroy their families and friends.⁹²

Mainstream print media propagated the government’s stories as well. On the day before the BATF raid, the *Waco Tribune Herald* started a series of articles about David Koresh and the Davidians, entitled “The Sinful Messiah”. These articles, like those that followed, relied heavily on the same former Davidian sources – Breault, Bunds, the Gents – and talked about the same issues King addressed for *A Current Affair*. After the raid, all the major periodicals ran cover stories

⁹¹ *Ambush in Waco*. Dir. Dick Lowry. Perf. Timothy Daly, Dan Lauria. Republic Entertainment, 1993.

⁹² Phil Penningroth. “Righting Waco: Confessions of a Hollywood Propagandist.” http://www.killingthebuddha.com/dogma/righting_waco.htm.

about Koresh and his “cult”. All echoed the same story: Koresh and his followers waited for the BATF agents to arrive and opened fire on them. The BATF, whose undercover agent had been deceived into believing the Davidians knew nothing of the assault, was caught off guard, and the consequences were fatal.⁹³ All mainstream press bought the party line, and chose to use inflammatory words and phrases to invoke public outrage. In news broadcasts and print media, Koresh was a “cult leader” whose followers were “brainwashed”.

The media spoke of child abuse and sexual misconduct and militarized the Davidians, saying they lived in a compound or bunker, subsisting on rations. *People Magazine*, for example, ran on the first cover after the raid a photo of Koresh with two photos of wounded ATF agents inset and text that read, “INSIDE THE WACO CULT THE EVIL MESSIAH ‘I am the Lamb of God,’ he told his believers. But David Koresh claimed 19 wives, had sex with children, armed his followers, and led them to tragedy.”⁹⁴ The story inside, which was the lead story, was even more sensational and inflammatory. Reporter Joe Treen wrote:

For someone who claimed to believe he was Jesus, David Koresh was a twisted representation of Christian ideals. Rather than practice the forgiveness of sinners, he frequently punished children as young as 8 months old by beating them till [sic] they were bruised and bloody. Instead of putting temptation behind him, he had a harem of as many as 19 “wives” and slept with girls 12 and 13 years old. And unlike the Prince of Peace, Koresh packed a Glock 9-mm pistol and kept a deadly arsenal he was willing to use. Despite all this, he had a passionate following -- his own religious cult of several hundred members -- who believe that to get to heaven they had to go through hell.

Last week they may have begun there infernal journey, with a bloody 45-minute shoot-out with federal agents at the cult’s fortified compound east of Waco, Tex[as].⁹⁵

Treen failed to indicate that Koresh and his followers were investigated by the local social services office, and the investigator found no evidence of physical abuse. With media coverage as rabble-

⁹³ Melinda Beck, et al. . “Thy Kingdom Come.” *Newsweek*. 15 March 1993, 52-55.

⁹⁴ *People Weekly*. March 15, 1993, Cover.

⁹⁵ Joe Treen, et al. “Zealot of God”. *People Weekly*. March 15, 1993, 38.

rousing, one-sided and negative as this, it was no wonder that people did not care to question any subsequent, post-raid government behavior, or care that the government made egregious errors in judgment to get into the situation and cover it up.

Immediately after the fire on April 19, the Federal Bureau of Investigations had to suppress any inquisitive press. The FBI claimed that the Davidians, because of their apocalyptical beliefs, started the fire. The media coverage so dramatically influenced public opinion that people wrote letters to the FBI expressing their support for the government. These letters used the inflammatory language and echoed the characterizations that dominated the media. One person wrote, “...you...never lost sight of the fact that four ATF agents were mercilessly murdered by the same fanatics that murdered the children.”⁹⁶ This coverage affected people of all ages, as a thirteen year old boy wrote to express his support for “the wonderful job...at the cult standoff.”⁹⁷ Another person wrote that she had seen the television coverage and “as for those little children, praise God they’re out of their misery. The ones who came out said they were evan [sic] slapping the babies and being molested was ‘Hell on Earth’ for them! We know these children are Free [sic] now and in Heaven with Jesus.”⁹⁸

Mark Silk argued in *Unsecular Media: Making News of Religion in America* that media coverage of religion often reflects the belief that behavior must mirror ideology. When the press does expose hypocrisy in the church, it is not done because of a secular agenda, but merely as an expression of society’s values.⁹⁹ Silk further believed that coverage of the Davidian standoff was interpreted by the readers’ personal biases rather than a media bias. He noted that those who

⁹⁶ Unknown Authors, to Federal Bureau of Investigations Director William Sessions, 01 March 1993 – 01 January 1994. Transcripts in the hand of Jenifer Bianchi. Privately held collection.

⁹⁷ Unknown Authors, to Federal Bureau of Investigations Director William Sessions.

⁹⁸ Unknown Authors, to Federal Bureau of Investigations Director William Sessions..

⁹⁹ Mark Silk. *Unsecular Media: Making News of Religion in America*. (Urbana, IL: University of Illinois Press, 1995), 26.

thought Koresh was dangerous were angered by the mentioning of his religious rhetoric. Those who were convinced that Koresh was a prophet were enraged by the focus on weapons.¹⁰⁰

While Silk makes a valid argument about the effects of personal bias on the interpretation of the siege, he apparently failed to analyze the media coverage and its tone. The vast majority of the coverage, as illustrated repeatedly through examples in this chapter and in Appendix C, was overwhelmingly sympathetic to the US government and negative towards the Davidians. When the Davidian ideology was mentioned, it was done with mockery. In an undated press conference featured in *Waco: The Rules of Engagement*, for example, a reporter asked Jeff Jamar, Special Agent in Charge for the FBI in Waco, if he thought that Koresh was talking to God, which Koresh had claimed. This question promptly brought snickers from the press pool. In the print media discussion of Davidian ideology, every mention of their belief structure was presented with the caveat that these beliefs were based entirely upon the claims of a man who has sexual relations with young girls. This was hardly offering an objective analysis of Davidian ideology. Instead, the media coverage successfully portrayed Koresh as a pedophilic madman who led his followers to a fiery grave. By extension, the US government, despite evidence of massive errors in judgment, was exonerated in the court of public opinion. The media, therefore, was an active accomplice, whose coverage of Koresh and his followers enabled the federal law enforcement agencies to cover-up their wrongdoing and avenge the four dead BATF agents.

¹⁰⁰ Mark Silk. *Unsecular Media*, 105.

Chapter 4

RODNEY KING, WE UNDERSTAND

The failure of February 28 left the Bureau of Alcohol, Tobacco, and Firearms, the Federal Bureau of Investigations, and the Davidians in an interesting and uncertain situation. Over the next fifty-one days, the three parties involved tried to reach some kind of understanding, but actions by those on both sides wore on the emotions and patience of all those involved. The BATF had to figure out how to justify the decision to execute the raid despite various reasons why the raid never should have occurred. Agency leaders also had to validate the deaths of four BATF agents. The FBI's task was more complex. On one hand, FBI leaders had to work with the BATF to defend the initial raid and rely on the BATF's faulty intelligence to discern who they were facing. On the other hand, the FBI had to figure out how to handle a group that was basically and publicly mocking the agency's jurisdiction by refusing to surrender. The FBI also faced a lack of consensus about how best to deal with those inside of Mt. Carmel. This lack of cohesion within the agency and those who were assigned to resolve the situation served to undermine the negotiation process and hopes for a peaceful resolution. The Davidians had to deal with their own dilemma: serve God's laws and answer His demands, or serve man's laws and answer his demands. Because their religious beliefs framed their entire world view, they chose to serve their God while openly violating the laws of man. Koresh and his followers frequently used the negotiations to explain the context of their behavior instead of discussing terms for their surrender. This fuelled the FBI's agitation and desire to militarize the situation, and the BATF felt somewhat vindicated as Koresh acted in ways that were viewed as irrational by the American public. This cycle of Davidian service to God instead of man and governmental frustration with this small group who refused to

bow to substantial public and militaristic pressure led to the tragedy of April 19, 1993 and defined the fifty-one day siege.

After the failed initial raid, the Federal Bureau of Investigation descended upon Waco to force the Davidians to surrender. Koresh realized what had happened to him and his followers, and expressed his frustration with the FBI and their tactics in a home video. Koresh said, “it’s like getting into a fight, and you beat up the little brother. Then the big brother comes over to investigate.”¹⁰¹ The first thing the FBI did was to cut all communications from the complex to the rest of the world. They severed the electricity and water sources as well, leaving the Davidians isolated entirely from the outside world. When negotiations were “successful”, the FBI restored power to Mt. Carmel. For the first two weeks of negotiations, the FBI used the electricity as a negotiating incentive, until the tactical unit decided, on March 11, to sever the electricity permanently, much to the negotiators’ chagrin. The FBI also started engaging in psychological warfare. On March 8, 1993, the FBI erected loudspeakers, which barraged Mount Carmel with noise twenty-four hours a day. They varied the sounds between

sirens, seagulls, bagpipes, crying babies, dying rabbits, crowing roosters, dental drills..., off the hook phones, Buddhist monastery chants, Muslim prayer calls, Christmas Carols,... trains passing through tunnels..., Alice Cooper songs, Nancy Sinatra [‘s] hit ‘These Boots Were Made for Walking’.¹⁰²

They erected stadium lighting to illuminate the complex all through the night. When asked at a press conference if the FBI was utilizing psychological warfare tactics, Bob Ricks, the FBI spokesman, denied the government would ever utilize such tactics.¹⁰³

¹⁰¹ *Inside Mt. Carmel*. Home video shot 08 March 1993 by Steven Schneider, and featuring most Branch Davidians. Copy received from the Mount Carmel Library.

¹⁰² Reavis. *The Ashes of Waco*, 259-260.

¹⁰³ Undated FBI press conference, shown in *Waco: The Rules of Engagement*.

In order to try and bring the situation to a peaceful resolution, federal agents needed to communicate with the Davidians remaining in Mt. Carmel. The Federal Bureau of Investigations opened negotiations with the Davidians on March 2. Although David Koresh and two of his most trusted followers had been negotiating with representatives from the BATF since the February 28 raid, the talks did not really have meaning until the FBI entered the game, as the FBI was in charge of all tactical decisions. What continually frustrated the Davidians was the magnitude of the bureaucracy surrounding the negotiations.¹⁰⁴ Over the fifty-one day siege, they dealt with over two dozen different federal mediators.¹⁰⁵ Koresh likened them to waitresses, who took Koresh's order, then sent it back to the kitchen in Washington, DC, got the government's order, and returned to Koresh's kitchen.¹⁰⁶ Koresh frequently seemed more interested in preaching than negotiating, and subjected the negotiators to long sermons. This frustrated the negotiators, as they were uninterested in theology, but, instead, sought the surrender of those inside Mt. Carmel. Nevertheless, Koresh saw many of the negotiations sessions as opportunities to spread his message to non-believers. The Justice Department admitted in its final report to Congress about the stand-off that "the negotiating and tactical components of the FBI's strategy were more often contradictory than complementary."¹⁰⁷ The negotiators tried to develop a rapport with the negotiating Davidians, trying to gain their trust. The tactical unit, however, used "intimidation and harassment"¹⁰⁸ to show its control and power. In an undated phone call to his sister Sue, Steve Schneider, Koresh's second in command, stated, "[the negotiators] tell me the commanders want

¹⁰⁴ Thibodeau and Whiteson. *A Place Called Waco*, 195.

¹⁰⁵ Reavis. *The Ashes of Waco*, 208.

¹⁰⁶ *Waco: The Rules of Engagement*.

¹⁰⁷ United States Department of Justice. *Evaluation of the Handling of the Branch Davidian Standoff in Waco, Texas February 28 to April 19, 1993*. (Washington, DC: Government Printing Office, 1993), 139.

¹⁰⁸ US Department of Justice. *Report to the Deputy Attorney General*, 139.

more, and I'm telling them they're wrecking everything that we are doing and it's getting ten times worse and the more they threaten these people, the more they'll lay right down on the floor and they can run the tanks over them. I mean that, that becomes the attitude." This lack of coordination illustrated the government's bad faith with which they conducted negotiations.

The Federal Bureau of Investigations continually undermined the negotiation process through their lack of coordination between the negotiators and tacticians. Under the guise of helping the children, the FBI negotiators insisted Koresh release any children who were still in the complex into the custody of non-Davidian relatives. Eventually, Koresh acquiesced and gave the parents of the Davidian children the option to send them out of the complex. In time, twenty-one children were released, with the understanding that they would be handed over to the relatives that had been designated. The parents who chose to stay at Mount Carmel while sending their children out sewed notes into their clothing that contained the contact information for the relatives chosen to become the children's guardians. When the FBI tacticians got the children, however, they immediately disregarded the parents' wishes and gave the children over to Child Protection Services, and placed them in foster homes.¹⁰⁹ The parents were obviously distraught, and became even more so when the government announced it had stripped the parents of custody, as well as any relatives claiming to have custody rights.¹¹⁰ The FBI sent in video tapes showing the released children to reassure the Davidians that the children were being treated well. These tapes further upset the parents because the children were shown eating candy, drinking soda, both of which were forbidden by Davidian dietary code, and behaving rowdily, which went against how the children were raised.¹¹¹ The FBI did not consult experts on the Davidians' religion, despite having

¹⁰⁹ US Department of Justice. *Report to the Deputy Attorney General*, 227.

¹¹⁰ US Department of Justice. *Report to the Deputy Attorney General*, 230.

¹¹¹ *Inside Mt. Carmel*.

volunteers, such as Nancy Ammerman, James Tabor, and Philip Arnold. Because of this ignorance, the FBI often inadvertently acted with means that were contrary to the Davidians' beliefs and refused to accept the importance of Koresh's message in the motivation for many Davidians to remain with Koresh at Mt. Carmel. Often in press conferences, the FBI referred to Koresh's and Schneider's biblical references as "Bible-babble" and refused to consult any theologian who might offer insight to the Davidians' beliefs. For the Davidians who remained in Mt. Carmel, staying was not an act of defiance or law breaking. Instead, they saw it as an act of salvation. Until God told the messiah (Koresh) to exit, they had no choice but to remain, as God had told Koresh to wait.

The FBI demanded proof that the children who had remained in Mount Carmel were well nourished and properly cared for. They sent a video camera into the complex to get proof of the children's well-being, and the Davidians complied. After the siege, Attorney General Janet Reno told reporters that the Davidians refused to prove the children were not in danger. In the Justice Department report, however, the government said they chose not to release the videos because they feared the tapes would evoke sympathy for the Davidians among the American public.¹¹²

The FBI also continued to use various paramilitary tactics to keep the Davidians frightened. They destroyed the Davidians' automobiles, buildings, and other properties with tanks. According to the Davidian survivor Clive Doyle, the tank drivers would drive to the complex, and moon the women and children standing in the windows. The tanks also ran over the cemetery where several Davidians had been buried. The grave of Peter Gent was the newest, a Davidian who had been killed by one of the helicopters during the February 28 raid, and left where he fell for several days,

¹¹² US Department of Justice. *Report to the Deputy Attorney General*, 11.

as the FBI refused to let the Davidians retrieve his body for more than a week after his death.¹¹³ Schneider complained about the behavior of the tank drivers on several occasions, and insisted something be done about them, to no avail. All of the survivors who have given interviews relay the Davidians' frustration with the crass way in which the perimeter guards behaved. Both Catherine Matteson and David Thibodeau, who were in Mt. Carmel during the siege, were keynote speakers at a January 5, 1994 and a November 20, 1994 conference on Constitutional Law in Las Vegas, and both discussed how the perimeter guards' behavior made Davidians insecure and less willing to come out of the complex. Additionally, parents of the children did not want to release their children to the authorities, in part because of this behavior.

Such actions seriously affected the Davidians, and their reluctance to exit their church continued to grow. On April 2, FBI negotiators told Steve Schneider that the rules of engagement had changed, and that anyone who tried to exit the building would first be "flash banded", which meant having a stun grenade thrown at them. Then, if they did not retreat, federal agents would discharge their weapons.¹¹⁴ Schneider and others who did exit the building after this directive was issued were flash banded. The FBI agents threw stun grenades at Davidians on at least six occasions, again making them realize that, in spite of being ordered to surrender, the government did not want them to leave.¹¹⁵ When the FBI negotiator informed Steve Schneider of the change in the rules of engagement, the negotiator said, "the patience of the bosses [insinuating that the negotiators had no authority] is no longer where it was earlier." Schneider became enraged and shouted, "I don't really give about your bosses. When you tell me one thing, or you tell us that is ok, and this Bradley comes up and says something contrary to what you are, you tell your bosses to

¹¹³ US Department of Justice. *Report to the Deputy Attorney General*, C-1.

¹¹⁴ Negotiations tape. 02 April 1993.

¹¹⁵ US Department of Justice. *Report to the Deputy Attorney General*, 98-108.

get their butts together! You hear me?” The FBI, in addition to the concussion grenades, erected concertina wire around Mt. Carmel “to diminish the possibility that people would escape.”¹¹⁶

Davidians saw these events as confirmation of Koresh’s claims that they were in the end of time. According to their apocalyptic beliefs, the chosen people of God, the Davidians, would have a final battle with the forces of Babylon, the US Government. The FBI’s utilization of military tanks and weaponry reinforced the inevitability of a battle and their deaths. In an undated call to his sister Sue, Steve Schneider urged her to look in the book of Nahum to see Biblical prophesy coming true. “The chariots of flaming torches are tanks. That’s what Nahum saw in the final days, they’ve surrounded us. It’s the first time in the history of the United States that the government is using tanks against its own people.” Despite all of the setbacks, however, the Davidians hoped that the negotiations would lead to a peaceful solution and that the apocalypse was not upon them.¹¹⁷

The conditions in Mount Carmel and the health of those wounded during the February 28 raid deteriorated rapidly. Koresh had nearly died in the days immediately following the ATF invasion from multiple gunshot wounds, and the FBI refused to send medical personnel into Mt. Carmel.¹¹⁸ From February 28 through April 14, negotiations seemed to go nowhere. The Davidians believed that God willed them to wait in Mt. Carmel until the time they received further instructions about their mission.

On April 14, Koresh claimed he finally got another message from God. During Passover, David Koresh believed that God told him it was time for him to write about the Seven Seals of the Revelations, around which the Davidians beliefs revolved, and put the interpretation onto paper.

¹¹⁶ US Department of Justice. *Report to the Deputy Attorney General*, 262.

¹¹⁷ Thibodeau and Whiteson. *A Place Called Waco*, 208.

¹¹⁸ US Department of Justice. *Report to the Deputy Attorney General*, C-1 – C-4.

Until April 14, 1993, Koresh claimed that God would not let him write about any of his Biblical knowledge, nor had Koresh divulged the true meaning behind the Seven Seals. Koresh started immediately, first sending a letter to his lawyer, Dick DeGuerin, to explain this revelation, and to urge DeGuerin to negotiate with the FBI on his behalf. Through DeGuerin, Koresh offered to surrender as soon as he finished the Seventh Seal.¹¹⁹ FBI negotiators spoke with Koresh after this promise of surrender, asking him, “I can go on paper and say that David Koresh told me that as soon as he finishes this manuscript...that you’re coming out?” Koresh replied, “I’ll be splittin’ out of this place. I’m so sick of MREs [military “meals ready to eat” rations].” When the negotiator pressed him further, Koresh replied, “that’s what was said, by the attorneys; that’s what I’m saying. That’s clarified lock, stock and barrel.”¹²⁰ Although skeptical, the FBI agreed to the new terms, claiming to “have all the time it takes.”¹²¹

Koresh started his work on the seals on April 14. The FBI sent Koresh typewriters and typewriter ribbons, stipulating that he must send out the ribbons periodically, so they could be analyzed to ensure he was upholding his end of the bargain.¹²² Koresh finished the First Seal entirely, making it available on computer disk, and drafted the Second Seal by April 18, 1993. Koresh also asked that his writings be given to Drs. Phillip Arnold and James Tabor, noted millennial scholars, for independent analysis.¹²³ Koresh sought this analysis to prove his claims that he was a messiah, and his interpretations were correct. Then, Koresh said, he would surrender. Unfortunately, the FBI’s patience had run out.

¹¹⁹ Letter from David Koresh to Dick DeGuerin, dated 14 April 1993, a copy of it in possession of the author.

¹²⁰ Negotiations tape, 15 April, 1993.

¹²¹ Reavis. *The Ashes of Waco*, 257.

¹²² US Department of Justice. *Report to the Deputy Attorney General*, C-4.

¹²³ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part Two)*, 220.

Throughout the fifty-one day siege, the Federal Bureau of Investigations made contingency plans for a second raid to remove the Davidians from Mount Carmel. The ultimate plan, if Koresh and his followers refused to exit the building, was to utilize military Combat Engineering Vehicles (CEVs), which the FBI would obtain from the military by claiming the raid was drug related. A memo to the BATF, dated October 17, 1996, from the Army Comptroller Directorate, stated “The Army General Counsel found that BATF activities involving the Branch Davidian[s]...did not involve any significant drug interdiction or counter-drug objectives. He further stated that...the purported authority for supporting that operation...was inapplicable.”¹²⁴ Under the Posse Comitatus Act of 1878, the military cannot be used in any domestic law enforcement action against American citizens. In 1981, the Act was amended to allow military usage in domestic law enforcement for drug interdiction.

The main use of the CEVs was to insert orthochlorobenzalmalonitrile (CS) gas into the complex over a forty-eight hour period. CS gas is a white powder that, when injected and atomized, is a powerful irritant. British studies showed that prolonged exposure to CS caused “burning...in the eyes, nose, mouth, throat, and skin, lacrimation, rhinorrhea, salivation, blepharospasm, photophobia,...gripping pain, breath holding, dyspnea, coughing and sneezing, blistering, erythema, first and second degree burns, and congestion.”¹²⁵ It causes such adverse effects that the United States signed an international, multi-nation treaty banning the use of CS gas in warfare. The FBI chose methylene chloride as the method of injecting the powder into the building. According to the manufacturer, methylene chloride is “an eye, skin, and respiratory tract irritant. [It is] toxic. [It is] harmful if inhaled or absorbed through the skin. [It is] a narcotic in high

¹²⁴ Department of Defense CD-ROM of Texas Rangers and Federal Bureau of Investigation. Miscellaneous correspondence, dated 1992 – 1999.

¹²⁵ US Department of Justice. *Report to the Deputy Attorney General*, J-74.

concentrations. [It is] metabolized by the body to form carbon monoxide. [The] products of combustion may be more hazardous than the material itself. Fire and explosion hazards: [It has] no flash point in conventional closed tester, but forms flammable vapor-air mixtures in large volumes. [It] may be an explosion hazard in a confined space. Combustion may produce irritants and toxic gasses...”¹²⁶ FBI Director William Sessions and several subordinates, however, insisted to Attorney General Janet Reno that this gas was not harmful to anyone, not children, not pregnant women and not the elderly.

Initially, Janet Reno did not want to do anything to end the siege. The FBI, represented by Director Sessions, Deputy Director Floyd Clarke, Larry Potts, who was head of the FBI’s Criminal Division, and leader of the FBI’s Hostage Rescue Team at Waco Byron Sage insisted that the siege had to end quickly, and the tear gas assault was the most logical option. These men all had a vested interest in ending the siege as quickly as possible, as public support for continuing the siege was waning. Several civilians wrote letters to Director Sessions expressing their desire for a swift end to the stand-off. Arizona lawyer and independent researcher David T. Hardy received these letters via the Freedom of Information Act, and gave the three volume set to the author of this paper. The FBI representatives and Janet Reno also met with Brigadier General Peter Shoomaker of Army Special Forces and Colonel Gerald Boykin of Delta Force to discuss the raid plans and to convince Reno to approve these plan. Although no specific reason was given, the FBI representatives cited general deterioration of conditions inside Mt. Carmel, with contrary claims that the Davidians had enough food and water to last a year. The FBI also told Reno on several occasions between April 15 and 18 that the negotiations were going nowhere and that Koresh was not negotiating in good faith, never mentioning the April 14 agreement. Nevertheless, Reno was

¹²⁶ Methylene chloride information is available at <http://ntp.niehs.nih.gov/ntp/roc/elevanth/profiles/s066dich.pdf>.

reluctant to approve the plan because she simply did not understand the FBI's urgency and felt it better to err on the side of caution.

Associate Assistant Attorney General Webster Hubbel continued to meet with FBI planners in an attempt to understand their urgency and plan better. Sessions convinced Hubbel that it was time to raid Mt. Carmel, but Reno remained unconvinced about the timing. On April 16, she asked the FBI to prepare a written report for the following day. She also ruled out the weekend for the plan because she feared that emergency rooms would be unavailable.¹²⁷ On April 17, the FBI submitted the report, but admitted in a footnote in the Justice Department Report that "the Attorney General did not read the prepared statement carefully nor did she read the supporting documentation provided along with the statement."¹²⁸ Janet Reno decided to "read only a chronology, gave the rest of the materials a cursory review, and satisfied herself 'the documentation was there.'"¹²⁹ Although she had been reluctant to approve the plan, she felt more inclined to give her approval with significant documentation to justify the assault from those who were most involved in the day-to-day events of the stand-off. Reno then went to President William Clinton with the plan on April 18 and got his approval.

According to Janet Reno, the rationale behind the use of tear gas was the hope that "[the Davidians'] motherly instincts would kick in, and they would send the children out."¹³⁰ Before the attack commenced, the FBI agents contacted Parkland Memorial Hospital to find out the capacity of their burn unit, and cleared a firebreak around Mount Carmel. Negotiators asked Koresh and Schneider about the number of fire extinguishers in the building, and, when Schneider reported that

¹²⁷ US Department of Justice. *Report to the Deputy Attorney General*, 272.

¹²⁸ US Department of Justice. *Report to the Deputy Attorney General*, 272, Footnote 35.

¹²⁹ US Department of Justice. *Report to the Deputy Attorney General*, 272, Footnote 35.

¹³⁰ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part Three)*, 369.

there was only one, the negotiator replied that “somebody ought to buy fire insurance.”¹³¹ One agent ominously joked to Jean Holub, Koresh’s grandmother, that he hoped she had told him good-bye when she and her lawyer went to Mt. Carmel to try and talk Koresh out.¹³² Yet the FBI negotiators insisted that they did not intend to set fire to the complex.

On the morning of April 19, Janet Reno was briefed on the situation with the Davidians, and was told that no new breakthroughs had occurred. FBI agents, again, did not tell Reno of the agreement regarding the Seals. Instead, they told her the Davidians were resolved to remain in Mount Carmel indefinitely. They urged Reno to authorize the use of force, yet she remained doubtful. Finally, they informed her that the Davidians were abusing the children, playing to her days as a child advocate. They succeeded in convincing her that the time was appropriate to attack. She gave her approval, and then left for a scheduled speech in Maryland.¹³³

At 6:04 AM on April 19, the Combat Engineering Vehicles began their tear gas assault by punching holes into the building while repeating, “this is not an assault” over their public address system. At 6:07 AM, the plan to insert gas over a forty-eight hour period was scrapped due to claims that Davidians were firing upon the tanks.¹³⁴ Instead, massive amounts of CS were injected over the course of several hours. FBI surveillance equipment caught Davidians talking of making Molotov cocktails, yet no Molotov cocktail attacks by Davidians were visible on any of the footage made during the assault. Surviving Davidians claimed that several of their compatriots did try to make Molotov cocktails but were unsuccessful. Instead they tried to survive the attack. Several mothers took their children into a concrete storage room at the base of the three-story tower. The FBI anticipated this and ordered the CEVs to shoot CS directly into this area. FBI Special Agent

¹³¹ Negotiations tape, April 13, 1993.

¹³² *Waco: The Rules of Engagement*.

¹³³ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part Three)*, 361.

¹³⁴ Reavis. *The Ashes of Waco*, 267.

Bob Ricks, during a post-attack press conference, said, “we knew the women and children were in this concrete bunker, so we inserted significant amounts of gas directly into it” despite admitting to Congressional investigators that they knew the gas masks were too big for the children hiding in the “bunker”¹³⁵. The CEVs, while inserting the CS gas, knocked over parts of concrete walls, crushing and killing fourteen women and children who were hiding in the room.¹³⁶

As the Combat Engineering Vehicle demolition attack continued, surveillance airplanes flew overhead, shooting still and motion pictures. One airplane was equipped with forward-looking infrared (FLIR), and shot footage of the offensive. Although it looked like a regular black and white film, FLIR measured heat and used a gray gradient to indicate the difference between “hot” and “cold” items.¹³⁷ Several independent analyzers, including Carlos Ghigliotti and Dr. Edward Allard, saw disturbing events on the FLIR tapes when they reviewed them on several occasions between 1995 and 2002. The tanks continued to destroy parts of the building to insert the gas. By 11:23, the gym had been almost completely destroyed, and several gunshots were visible from behind the tank, heading into the complex.¹³⁸ One CEV broke down when debris knocked the tread off the wheels. Upon analysis, it is believed that the CEV ran over the body of one of the Davidians, James Riddle.¹³⁹ His family had his body exhumed, and a medical examiner determined that James’ leg had been shorn from the hip when a tank ran him over. The tank was towed away, and the remaining tanks continued to wreck the buildings and insert gas.

Carlos Ghigliotti, a forward-looking infrared expert retained by the House Government Reform Committee, submitted a report to Congress with his preliminary analysis, and claimed that

¹³⁵ “FBI Press Conference”, 19 April 1993.

¹³⁶ Nizam Peerwani, MD. *Official Autopsy Reports on Mt. Carmel Does 1 – 81*. Tarrant County, TX. 1993 – 1994.

¹³⁷ *Waco: The Rules of Engagement*.

¹³⁸ Hardy and Kimball. *This is Not an Assault*, 338.

¹³⁹ *Waco: The Rules of Engagement*.

agents were shooting automatic and semi-automatic weapons into Mt. Carmel. He analyzed the third FLIR tape, which started at 10:41:57 and ended at 12:16:13. He first noted that the Combat Engineering Vehicles “penetrated the gym” nineteen times.¹⁴⁰ At 11:24:30, gunfire erupted from next to the tanks going into the building. Davidians returned fire towards the shooters. The final gunfire coming from inside of the building occurred at 11:59:03, directed at the tank that had just driven through the front part of the building, towards the concrete room in which the women and children were hiding.¹⁴¹ Gunfire into the building continued to the end of the tape, which was overloaded by the fire’s heat, making other thermal signatures invisible.¹⁴² In all, Ghigliotti noticed 69 shots coming from the building. He noted, “with few exceptions, the Branch Davidians shot at the tanks only after the tanks penetrated the structure.”¹⁴³ He counted 57 shots going into the structure, noting that “...the weapon used had a possible flash suppressor device installed...[which means] that more than one round was fired, although only one round...was used as the amount fired for this list.”¹⁴⁴ In other words, although Ghigliotti counted fifty-seven shots going into Mt. Carmel, he believed there were more, but flash-suppressing equipment camouflaged the shots’ thermal signatures on the FLIR. Finally, he noted use of a flash device in one cluster.¹⁴⁵

Throughout the attack, the Federal Bureau of Investigations and military forces used incendiary mortar rounds to insert gas, but denied the rounds were incendiary until 2001.¹⁴⁶ The Justice Department only admitted the use of incendiary rounds because two documentary

¹⁴⁰ Carlos Ghigliotti. “Preliminary Report of Carlos Ghigliotti to House Government Reform Committee”. 18 March 2000. in *This is Not an Assault: Penetrating the Web of Official Lies Regarding the Waco Incident*, David T. Hardy and Rex Kimball (Washington, DC: Xlibris, 2001), 337.

¹⁴¹ Carlos Ghigliotti. “Preliminary Report of Carlos Ghigliotti”, 339.

¹⁴² Carlos Ghigliotti. “Preliminary Report of Carlos Ghigliotti”, 340.

¹⁴³ Carlos Ghigliotti. “Preliminary Report of Carlos Ghigliotti”, 341-342.

¹⁴⁴ Carlos Ghigliotti. “Preliminary Report of Carlos Ghigliotti”, 341.

¹⁴⁵ Carlos Ghigliotti. “Preliminary Report of Carlos Ghigliotti”, 341.

¹⁴⁶ Hardy and Kimball. *This is Not an Assault*, 298.

filmmakers, Jason Van Vleet and Mike McNulty, found the expended cases in a storage locker that held evidence from Mt. Carmel. Two incendiary rounds were found at points of origin of two fires – one in the front corner of the building, and one in the kitchen/dining room area. Agents fired guns into the complex as the tanks continued demolition and shooting CS.

Fire experts called to testify during the 1995 Congressional hearings unanimously agreed that the destruction to Mt. Carmel lent itself to accelerating a fire, as the holes in the building were in locations that allowed the winds to flow freely in the complex. One expert, Joseph Perino, former chief of the Houston Fire Department, likened it to a “pot-bellied stove”, claiming that the configuration of the holes in the building, combined with the mixture of the CS powder, methylene chloride, Coleman fuel that the Davidians had used during the siege for heat and cooking, and the flammable material used to build the complex, plus the use of incendiary grenades by the FBI made a rapid fire in Mount Carmel inevitable.¹⁴⁷ In an April 6, 2005 letter to the author of this work, surviving Davidian Paul Fatta relayed his knowledge of the cause of the fire. “I heard all of [the survivors’] personal testimonies...I listened to the testimonies of FBI agents and three fire experts that were hired to give their professional opinions on how the fire started. The fire expert out of Los Angeles, California did not agree with the other two. It was later found out that the fire expert out of Houston was married to an ATF employee. It would be an understatement to call this a gross conflict of interest...I was told several weeks before the fire that the FBI would first use pepper gas. If this did not get my friends out of the building, then they (FBI) would burn it down. This was from an ex-ATF informant. I didn’t believe him when he told me this. His words came true.”¹⁴⁸

¹⁴⁷ *Waco: The Rules of Engagement*.

¹⁴⁸ Paul Fatta to Jenifer Bianchi. Miscellaneous correspondence. Transcript in the hand of Jenifer Bianchi. Privately held collection.

Nearly six hours into the raid, two flashes were visible on the FLIR where a tank had just shot a ferret (mortar) round. These flashes were the second of three separate fires to start in Mount Carmel. Survivor David Thibodeau described the fires that raced from the back of the gym towards the front of the building. He ran towards the concrete room, thinking of the trapped children, but his path was blocked by the debris pushed in by the tanks. He decided to jump through a hole, and save himself.¹⁴⁹ Clive Doyle also survived the fire and CS gassing.

I saw other adults that had less clothing on than myself stinging and crying in pain because the CS gas getting on their skin, and because they were uneducated in the use of gas or what it was like, some of them were trying to wipe it off with minimum amounts of their drinking water...only to find that it made it worse, so as I say what the children would be going through only God knows.

There came a point in my rolling on the floor and in trying to protect myself from the heat and being in the pitch black not being able to see with the voices of those behind me screaming kind of got through to me. I recognized who they were; I could identify the voices.

That kind of galvanized me to just leap to my feet and jump or dive head first on the general direction of where I thought the hole was. I landed on the sheet rock face down and kind of slithered out on to the ground.

When I stood up, the skin was rolling off my hands, my coat was all melted on my back and smoking. I looked back over my shoulder, and the hole I had just came out of was a mass of flames, and the first thought that came to me was I am the only one. I am the only one to get out.¹⁵⁰

As the fire continued to engulf the complex, forward-looking infrared experts maintained that the Federal Bureau of Investigations agents continued to shoot into Mount Carmel, possibly at people who were trying to escape.¹⁵¹ Regular film surveillance footage showed a soldier firing a

¹⁴⁹ Thibodeau and Whiteson. *A Place Called Waco*, 258.

¹⁵⁰ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part Three)*, 113-114.

¹⁵¹ *Waco: The Rules of Engagement*.

weapon into the burning building before realizing he was being filmed.¹⁵² Additionally, raw video feed from a KABB Fox 29 news crew from San Antonio and the BATF home video that was shot on April 19 both clearly recorded the sound of gunfire. In fact, the news reporter from KABB was caught off guard, looked around, and asked his camera man if he had heard the gunfire.¹⁵³ Early news reports consistently stated that twenty people escaped the fire from the rear of the building near the kitchen/dining room area.

The surviving Davidians retained Edward Allard, PhD, formerly with the Army's Night Vision Laboratory and holder of several forward-looking infrared related patents to review the infrared video. Allard agreed with Ghigliotti's analysis and noted in an affidavit that automatic gunfire going into the building from multiple locations around the tanks registered on the FLIR both before and after the start of the fire.¹⁵⁴ He further claimed that a person who exited from the kitchen/dining room area was first flash banged and then fired upon from a passing helicopter.¹⁵⁵ He noted on the FLIR that two different shooters were firing into the kitchen/dining room as they retreated through the courtyard away from the burning building.¹⁵⁶

Gunfire showing on the forward-looking infrared has been hotly contested among politicians since April 19, 1993. When Attorney General Janet Reno appointed Special Counsel John Danforth to investigate this possibility, Danforth commissioned a reenactment of the assault

¹⁵² Surveillance video footage. FBI labeled it "CBC Wild Feed". David Hardy, Esq. received the video via a Freedom of Information Act lawsuit that he filed. When he noticed the label, he called the Canadian Broadcasting Company, who claimed that they had no reporters or cameras in Waco during the siege, and that they do not put time and date stamps in the middle of the footage. Hardy received a second copy of the video from FLIR analyst Carlos Ghigliotti, who received it from the FBI as surveillance footage.

¹⁵³ KABB-TV Fox 29 San Antonio raw feed, 19 April 1993.

¹⁵⁴ "Declaration of Edward Allard, PhD." Deborah Brown, et al v. United States of America, et al. Civil Action H95-587, United States District Court, Houston Division, 2.

¹⁵⁵ Interview featured in *Waco: A New Revelation*.

¹⁵⁶ Interview featured in *Waco: The Rules of Engagement*.

at Fort Hood, Texas. His investigation would “determine whether representatives of the United States committed bad acts, not whether they exercised bad judgment.”¹⁵⁷ The conclusions of Danforth’s report were that the FLIR showed no gunfire, and the flashes seen on the FLIR were nothing more than solar reflections.¹⁵⁸ Allard argued that there is nothing in nature that can produce enough heat from a solar reflection to show on infra-red. Allard’s theory was supported by Maurice Cox, a former intelligence officer, who determined that flashes like the ones on the Mt. Carmel FLIR could only be caused by a precise layout of identically shaped debris too perfect to be random. Additionally, the FLIR mounted aircraft had to travel at Mach 1.8 to satisfy the solar reflection theory.¹⁵⁹

Upon further analysis of methodology, Danforth’s reenactment shows serious flaws. The air temperature during Danforth’s test was twenty degrees cooler than on April 19, 65^o Fahrenheit vs. 85^o Fahrenheit respectively.¹⁶⁰ The reenactment also utilized different weapons with specialized ammunition not used on April 19.¹⁶¹ Finally, the ground was soaked before the reenactment, eliminating the dusty conditions of the day of the assault. This is significant because dust extends muzzle blasts on FLIR. Independent researcher Michael McNulty, whose *Waco: The Rules of Engagement* documentary received an Academy Award nomination in 1997, conducted his own reenactment to prove the FBI’s contention that it did not fire. McNulty’s reenactment differed from Danforth’s because the conditions during his test were identical to conditions at Mt. Carmel

¹⁵⁷ John C. Danforth. *Final Report to the Deputy Attorney General Concerning the 1993 Confrontation at the Mt. Carmel Complex Waco, Texas*. (Washington, DC: Government Printing Office, 2000), 2.

¹⁵⁸ Danforth. *Final Report to the Deputy Attorney General*, 19.

¹⁵⁹ Maurice Cox. *Sun Reflection Geometry*. (Washington, DC: Government Printing Office. 1999).

¹⁶⁰ *The F.L.I.R. Project*. Directed/Produced/Written by Michael McNulty. Cops Productions. 2001.

¹⁶¹ *The F.L.I.R. Project*.

on April 19, 1993. McNulty's FLIR produced identical thermal signatures to the FLIR shot during the assault, proving Davidians were fired upon and Danforth's conclusions were erroneous.¹⁶²

Once Mt. Carmel caught fire, Jeff Jamar, the Federal Bureau of Investigations Agent in Charge of the Davidian standoff, refused to let firefighters into the area. During a post-attack press conference, he claimed his decision was made because the Davidians, after being subjected to nearly a six-hour CS gas attack, and now trapped in a burning building were still firing at FBI agents.¹⁶³ Aerial photos and FLIR video, however, show that agents or soldiers frequently exited the tanks and walked freely and unprotected, even before the fire. Allard noticed that, at 11:47:50

[a] CEV has driven into the building, withdrawn, and has a large piece of rubble lodged on the front of the vehicle. An individual is dimly visible exiting the vehicle, walking to its front, and dislodging the rubble. The CEV is at this point halted within a vehicle length, perhaps twenty feet, of the front of the building.¹⁶⁴

After the fire started, tanks bulldozed debris into the burning building, and agents openly roamed outside of the tanks. Apparently these agents did not fear being fired upon.

Jack Zimmerman, the lawyer for Steve Schnedier, and Dick DeGuerin both claimed during the 1995 Congressional hearings that they believed the Federal Bureau of Investigations' motivation for attacking Mount Carmel and allowing it to burn to the ground was to destroy any and all evidence of the Bureau of Alcohol, Tobacco and Firearms and the Federal Bureau of Investigations wrongdoing, and the evidence certainly supported their hypothesis.¹⁶⁵ Special Agent in Charge Jeff Jamar radioed to Hostage Rescue Team member Dick Rogers and asked if they were trying to rescue the children. When Rogers said yes, that was the intention, Jamar

¹⁶² *The F.L.I.R. Project.*

¹⁶³ "FBI Press Conference, April 19, 1993". Broadcast on all major networks. This author used a copy of the Cable News Network broadcast.

¹⁶⁴ "Declaration of Edward Allard, PhD", 2.

¹⁶⁵ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part Two)*, 42.

replied, “no one else, I hope.”¹⁶⁶ This statement illustrates the callousness, anger, frustration, and disdain FBI leadership held for the adult Davidians and shows the disingenuousness with which the FBI spoke. When firefighters were finally allowed into Mount Carmel, the only part of the building remaining was the part of the concrete room that had not been destroyed by the tanks. While firefighters sprayed water in the ashes, FBI and BATF agents freely roamed the remnants of the complex, thereby compromising the crime scene.¹⁶⁷

On the flagpole, where just minutes earlier, the Davidians’ serpent and Star of David flag had flown, the BATF hoisted up their flag, as if to declare a military victory.

No officials ensured that the crime scene remained intact for analysis. As the crime scene was processed, evidence was soaked in bleach before being analyzed, because the FBI declared the ruins of Mt. Carmel to be a biohazard.¹⁶⁸ Agents from the FBI, BATF, and Texas Rangers freely walked in the debris and ash. When all was said and done, seventy-six Davidians had died,¹⁶⁹ approximately twenty-one from gunshot wounds.¹⁷⁰ In his Congressional testimony, Jack Zimmerman summed up how those who died lost their Constitutional rights:

The way it’s supposed to work in this country is when someone is suspected of a crime – even if it’s child abuse, even if it’s capital murder – we give them a trial. The jury finds them guilty beyond a reasonable doubt before they go to sentencing. Then a jury or a judge sentences them, and an appeals court makes sure that the trial was conducted with due process. And then, and only then, do we kill them. We don’t kill them first, like happened in Waco on April the 19.¹⁷¹

¹⁶⁶ FBI Radio Traffic. 19 April 1993. Received from FBI via Freedom of Information Act. (Hardy v. FBI & ATF, No. 95-883-TUC-ACM, D. Ariz.) Privately held collection.

¹⁶⁷ *Waco: The Rules of Engagement*.

¹⁶⁸ Footage and stills featured in *Waco: A New Revelation*.

¹⁶⁹ US Department of Justice. *Report to the Deputy Attorney General*, 309.

¹⁷⁰ US v. Branch et. al., Case No. W-93-CR-046. Trial transcript. San Antonio, TX. 1994, 5971-5989.

¹⁷¹ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part Two)*, 38.

Nine, including Thibodeau and Doyle, managed to escape.

Jamar and Ricks maintained that the Davidians opened fire on the agents, yet the “FBI did not fire a single shot during the fifty-one day siege.”¹⁷² They repeated the same lines during their testimony in Congress. The FLIR analysts, however, insist that the FBI *did* fire upon the Davidians. In a piece for “60 Minutes”, CBS sent the FLIR tapes to Infrasection, a company that interprets FLIR footage. In a letter to CBS explaining their findings, they concurred that the FBI was shooting into Mount Carmel, but, “due to the sensitive nature of these findings, Infrasection and its employees decline any further comment on the matter.”¹⁷³ If the FLIR footage did show shots being fired at the Davidians, as multiple experts claim, did that mean the FBI, namely Jamar and Ricks, were lying to the American government and its people? Not necessarily. In every official account and during all testimony, the FBI always said, “the FBI did not fire a single shot during the fifty-one day siege.” The FBI representatives never said, “We did not fire shots at the Davidians.” The FBI, according to the FLIR, did not fire a single shot. They did fire *multiple* shots. Although a matter of semantics, most people took the FBI’s statement to mean that they did not fire *any* shots.

Despite these claims, Special Agent Charles Riley stated in his after action report that he heard gunfire coming from one of the sniper positions.¹⁷⁴ Upon inspection of the sniper house, Texas Ranger Captain David Byrnes found four expended shell casings on the floor. This sniper nest was led by Lon Horiuchi, who had been a key player in the Ruby Ridge incident seven months earlier. One day after alleged white separatist Randy Weaver, Weaver’s fourteen year old son

¹⁷² *Waco: The Rules of Engagement*.

¹⁷³ Craig K. Kolch, General Manager of Infrasection to Cindy Babski, of CBS News, 17 April 1996. A copy of the memo is held by the author.

¹⁷⁴ Memo included in Texas Rangers and Federal Bureau of Investigations. Miscellaneous correspondence, dated 1992 – 1999. Department of Defense CD-ROM. Privately held collection.

Sam, and Weaver's friend Kevin Harris got into a gunfight with FBI agents who were secretly surveilling the Weaver home, Horiuchi shot and wounded Randy Weaver while outside. Weaver's wife Vicky, hearing the gunshot, opened the door, holding it for Weaver with her body, and their infant child in her arms. Horiuchi fired a second shot, hitting Vicky Weaver in the head, killing her instantly. Horiuchi was indicted for manslaughter but never went to trial. Instead, he was a sniper leader at Mount Carmel, and denied ever firing a shot, despite evidence to the contrary.

Other government officials who were not involved in the planning and execution of the raid have another explanation for the gunfire visible on the forward-looking infrared video. Gene Cullen, Senior Case Officer with Special Operations Group of the Central Intelligence Agency, claims he attended a meeting in March 1993 at CIA headquarters with senior management and liaisons from Delta Force to discuss Delta Force's role at Mt. Carmel.¹⁷⁵ A declassified memo supports Cullen's claim that Delta Force was involved with the siege. The memo, dated May 13, 1993, states that on March 21, 1993, four Delta "observers", with approval of the Joint Chiefs of Staff, were deployed to Waco.¹⁷⁶ Cullen maintains that, at the March meeting, he was told there were at least ten Delta operators and these soldiers were also to participate in tactical operations at Mt. Carmel. March Bell, Director of the Congressional Waco Investigation, stated in an interview that the Delta Forces were deployed and advising from inside of the tanks, Bradley fighting vehicles, and from the sniper positions.¹⁷⁷ If this was the case, the Delta Forces were forwardly deployed, and in violation of *Posse Comitatus*. Cullen stated that he was in Europe in 1994 and met with several Delta operators. According to Cullen, these operators told him that not only were

¹⁷⁵ Interview featured in *Waco: A New Revelation*.

¹⁷⁶ Memo included in Texas Rangers and Federal Bureau of Investigations Department of Defense CD-ROM.

¹⁷⁷ Interview in *Waco: A New Revelation*.

they forwardly deployed, but they were engaged in a gunfight with the Branch Davidians.¹⁷⁸

Steven Barry, retired Sergeant First Class of Army Special Forces, corroborates this assertion. He claims that Delta operators confirmed to him that they were, indeed, “pulling triggers”.¹⁷⁹ Barry also asserts that on April 17 or 18, 1993, several agents got within six feet of Koresh while planting surveillance microphones and asked for permission to arrest him. The Justice Department denied that request because “they already had a plan in place.”¹⁸⁰

Because of the Federal Bureau of Investigations and Justice Department’s unwillingness to honor the agreement of April 14, 1993, their aggressive behavior during the fifty-one days, and refusal to end the standoff peaceably when given the opportunity, it is clear that they did not want a peaceful resolution. The fiery deaths of those who remained at Mt. Carmel gave the government the mass-suicide-as-an-ending excuse federal agencies so desperately sought. Since the FBI wrapped the deaths neatly under a mass suicide bow, they did not conduct any ballistic tests on any of the weapons present at Mt. Carmel on April 19, 1993, nor did they conduct any forensic tests on the twenty-six bodies of those who died of gunshot wounds. This apocalyptic scenario played repeatedly on world-wide television while members of the FBI feigned shock at what they labeled a Jonestown-esque ending to fifty-one days of Bible-babble, broken promises, and child abuse. What the FBI had to realize, however, was that the torture, abuse, and broken promises were their sins much more than those who perished at Mt. Carmel.

¹⁷⁸ Interview in *Waco: A New Revelation*.

¹⁷⁹ Interview in *Waco: A New Revelation*.

¹⁸⁰ Interview in *Waco: A New Revelation*.

Chapter 5

LIFE AFTER KORESH

As the ashes of Mount Carmel still smoldered, those who had been involved in the standoff tried to reconcile what happened. The Davidian survivors had to face life without their families and friends, and without their religion. They also faced a variety of charges stemming from the February 28 raid. The Bureau of Alcohol, Tobacco, and Firearms leadership had to answer for their failures in the initial raid. The Federal Bureau of Investigations had to resolve their own failures and explain why the siege ended in tragedy. The media reflected upon their own role in the standoff, while the American public came to terms with what they saw on their televisions. The fire of April 19, 1993 did not bring closure for anyone, and the subsequent ten years often brought more questions and heartache than answers and resolution.

As mentioned in the previous chapter, the ruins of Mt. Carmel were not processed as a crime scene. Because twenty-one Davidians had died from gunshot wounds, federal law enforcement investigators had twenty-one potential homicide cases on their hands.¹⁸¹ Nevertheless, no ballistics testing was conducted on any of the weapons. The bodies of the victims were collected for autopsies, but instead of being examined in McLennan County where Mt. Carmel was situated, they were shipped to Tarrant County and Dr. Nizam Peerwani. Peerwani testified that this change in venue occurred because his lab had better equipment and advanced machinery that McLennan County did not have.¹⁸² Most of the DNA identification, however, was outsourced to the FBI laboratory in Washington, DC. Dr. Peerwani was an odd choice to conduct these very important autopsies. Davidian attorney Jeff Kearney filed a motion to have Peerwani

¹⁸¹ US v. Branch et. al, 5971-5989.

¹⁸² US v. Branch et. al, 5961 and 5965.

removed from the case because of gross incompetence.¹⁸³ According to the motion, Peerwani had been accused of losing body parts essential for criminal investigations, leaving body parts at the scene of an automobile accident, sending the wrong body for burial, submitting erroneous toxicology reports leading to the dropping of homicide charges, and not completing a formal fellowship in forensic pathology that is customary for qualified experts in the field.¹⁸⁴ Despite these serious allegations, Peerwani remained on the case. As the bodies were waiting to be examined, they were stored in a refrigerated trailer. Sometime during the autopsy process, the trailer lost power for several days. The result was that many of the bodies decomposed past the point of being able to be thoroughly examined. Thus, valuable forensic evidence and causes of death were unattainable. In fact, the last set of remains identified, those of five year old Serenity Sea Jones, were not identified until August 17, 1994, sixteen months after her death.¹⁸⁵ Four Davidians who were residing in Mt. Carmel on April 19, 1993 were never recovered, and six sets of remains still have not been identified.¹⁸⁶

For the survivors of Mount Carmel, the road to normalcy was the hardest. Eleven Davidians – Norman Allison, Renos Avraam, Brad Branch, Jaime Castillo, Graeme Craddock, Clive Doyle, Livingstone Fagan, Paul Fatta, Woodrow Kendrick, Ruth Riddle, and Kevin Whitecliff – faced charges ranging from murder, and conspiracy to commit murder, to possession of firearms during the commission of a federal offense. Because of the anti-Davidian sentiment that grew in the nearby Waco community during the siege, the trials were moved to predominantly Catholic San Antonio. Assigned to the case was Judge Walter Smith, who had a reputation for

¹⁸³ Selwyn Crawford. “Cult Member’s Lawyer Seeks New Pathologist for Autopsies”. *Dallas Morning News*. 27 April, 1993.

¹⁸⁴ Crawford. “Cult Member’s Lawyer Seeks New Pathologist for Autopsies”.

¹⁸⁵ Nizam Peerwani, MD. *Official Autopsy Reports on Mt. Carmel Does 1 – 81*. Tarrant County, TX. 1993 – 1994.

¹⁸⁶ Nizam Peerwani, MD. *Official Autopsy Reports on Mt. Carmel Does 1 – 81*. Tarrant County, TX. 1993 – 1994.

being sympathetic to prosecutors and harsh sentencing.¹⁸⁷ Prosecutors included Ray Jahn, who had participated in planning meetings for the April 19 tear gas assault, and Bill Johnson, who helped to plan the February 28 raid¹⁸⁸.

Immediately, Judge Smith let his prosecutorial sympathies show. He ruled that the eleven defendants, despite having different circumstances surrounding their levels of involvement, would be tried together.¹⁸⁹ He also ruled that, since this was a federal case, Davidian lawyers could not argue that the Davidians who shot at BATF agents did so in self-defense. In fact, Smith made it clear that any argument of governmental wrongdoing was inadmissible. Smith also personally pared the jury pool from the original 78 to 41 before allowing the attorneys access to it.¹⁹⁰ Davidian attorneys, many of whom were working *pro bono*, could not complain to the press because Smith issued a gag order.

As the trial progressed, it became clear that, regardless of the verdict, those on trial had much to lose and would do so. All eleven defendants were charged with murder. They were also charged with conspiracy to commit murder. Fatta also faced other charges stemming from the original February 1993 warrant. Additionally, Castillo, Craddock, and Doyle were accused of setting the April 19 fire by the prosecution.¹⁹¹ Two Davidians, elderly Victorine Hollingsworth and Kathy Schroeder, who had been a drug addict before becoming a Davidian, turned state's witness. These witnesses testified that Livingstone Fagan and Kevin Whitecliff admitted to them

¹⁸⁷ Moore. *The Davidian Massacre*, 442.

¹⁸⁸ Reavis. *The Ashes of Waco*, 281.

¹⁸⁹ Egon Richard Tausch. "The Branch Davidian Trial." <http://www.constitution.org/waco/ertausch.htm>

¹⁹⁰ Reavis. *The Ashes of Waco*, 281; and Tausch. "The Branch Davidian Trial."

¹⁹¹ Reavis. *The Ashes of Waco*, 292.

that they shot at federal agents. BATF Special Agent Eric Evers also picked Fagan out of a line up, but was unsure if he recognized Fagan from the firefight or from television.¹⁹²

After several weeks of testimony from nearly 150 witnesses, the jury got the case and began to deliberate. Judge Smith, after receiving several briefs from defense lawyers, instructed the jury that self-defense was a valid reason to acquit the defendants. He also gave the jury the option of a manslaughter conviction if the defendants “unlawfully killed in the sudden heat of passion caused by adequate provocation.”¹⁹³ They were charged to vote on three counts: one was murder; two was conspiracy to commit murder; three was possession of firearms during a federal offense. The jury voted to acquit all eleven defendants of the murder charge. They were split, however, on the conspiracy charge, with the majority of jurors voting for acquittal. They worked out a compromise and acquitted all eleven defendants on conspiracy charges.¹⁹⁴ They found Norman Allison, Clive Doyle, and Woodrow Kendrick innocent on all charges.¹⁹⁵ They did convict seven of the defendants on aiding and abetting in the voluntary manslaughter of federal officials.¹⁹⁶ Five were also convicted of the third charge of possession.¹⁹⁷ Fatta and Craddock were also convicted of other arms law violations.¹⁹⁸

There was a huge problem with this verdict. According to Judge Smith’s instructions, a conviction on the third count of possession required a conviction on either the murder charge, the conspiracy charge, or both charges. Smith told the gallery that the conviction of count three could

¹⁹² Reavis. *The Ashes of Waco*, 290-291.

¹⁹³ Quoted in Reavis. *The Ashes of Waco*, 295.

¹⁹⁴ Reavis. *The Ashes of Waco*, 296; and Moore. *The Davidian Massacre*, 451.

¹⁹⁵ Moore. *The Davidian Massacre*, 451; and Reavis. *The Ashes of Waco*, 296.

¹⁹⁶ Moore. *The Davidian Massacre*, 451; and Reavis. *The Ashes of Waco*, 296.

¹⁹⁷ Moore. *The Davidian Massacre*, 451; and Reavis. *The Ashes of Waco*, 296.

¹⁹⁸ Reavis. *The Ashes of Waco*, 296; and Moore. *The Davidian Massacre*, 451.

not stand, and that it was pointless to send the verdict back to the jury because their only option was to find the convicted Davidians not guilty.¹⁹⁹ Those who were acquitted left the courtroom, and Norman Allison and Ruth Riddle, who had only been convicted on the third count, were transported to an immigration processing facility to begin the process of deportation.

Unfortunately for the Davidians, their victory was short-lived. After reading a brief by procedural expert LeRoy Jahn that cited a case where an inconsistent verdict had been allowed to stand, Smith ordered that Riddle be rearrested. As word of this decision reached the jurors in the case, foreman Sarah Bain wrote an impassioned letter to Smith in an attempt to explain the jury's rationale. Bain argued that the intent of the verdict was that the Davidians did not murder or conspire to murder, but they admitted to having and firing weapons on February 28, 1993. Bain maintained that she and the other jurors felt this to be a minor charge and convicted the defendants with the idea they would be sentenced to time served.²⁰⁰ Another juror stated, "When we heard all that testimony, there was no way we could find them guilty of murder." The juror continued his statement. "We felt provocation was pretty evident. When the firestorm started, everybody was trying to cover their behinds...I thought two agents in plain clothes should have gone in there and knocked on the door."²⁰¹ Despite jurors' objections, Smith essentially rewrote the verdict. Using established federal sentencing guidelines of "preponderance of evidence", he opined that if the defendants possessed weapons during the commission of a crime, the crime was conspiracy to commit murder.²⁰² He also assumed that the Davidians owned automatic weapons and that because they were available on February 28, that was enough to sentence the defendants using the

¹⁹⁹ Quoted in Reavis, *The Ashes of Waco*, 296.

²⁰⁰ Interview in *Waco: A New Revelation*.

²⁰¹ Quoted in Tausch. "The Branch Davidian Trial".

²⁰² Quoted in Reavis, *The Ashes of Waco*, 298.

automatic weapon guidelines. The result was that Renos Avraam, Brad Branch, Jaime Castillo, Livingstone Fagan, and Kevin Whitecliff each received forty year sentences.²⁰³ Graeme Craddock received a twenty year sentence, and Paul Fatta was sentenced to fifteen years.²⁰⁴ Ruth Riddle received a five year sentence as well.²⁰⁵

After the Oklahoma City bombing on the second anniversary of the Waco fire, Congress opened joint hearings on the handling of the standoff and the initial raid. Since many Americans speculated that the bombing in Oklahoma was some kind of anti-government retaliation for the Mt. Carmel conflagration, the hearing's goal was to put to rest the conspiracy theories surrounding the inferno.²⁰⁶ Instead, those who were directly involved in the planning and execution of actions against the Davidians left critics with a sense that the government overstepped its bounds and was trying to hide serious wrong-doing. For example, during the hearing, it was revealed that the Justice Department ceased their post-raid interviews with BATF agents because they found agents' stories to be contradictory and providing "exculpatory material that could help the Davidians at trial."²⁰⁷ Robert Rodriguez, who was the undercover BATF agent at Mt. Carmel before the February 28 raid, testified that, contrary to their claims, he informed Charles Sarabyn that the element of surprise had been lost and to call the raid off.²⁰⁸ Charles Sarabyn and Phillip Chojnacki both lost their jobs with the BATF for their mishandling of the initial raid, including their failure to cancel it upon learning that the element of surprise had been lost. Both men appealed their firing,

²⁰³ Moore. *The Davidian Massacre*, 453.

²⁰⁴ Moore. *The Davidian Massacre*, 453.

²⁰⁵ Moore. *The Davidian Massacre*, 453.

²⁰⁶ Moore. *The Davidian Massacre*, 471.

²⁰⁷ Moore. *The Davidian Massacre*, 474. See also Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 308.; and Hardy and Kimball. *This is Not an Assault*, 32. Hardy cites a Treasury interoffice memorandum from Robert S. MacNamara to John P. Simpson and Michael Langan.

²⁰⁸ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 749.

and, after a hearing, were reinstated with back pay and benefits, as well as compensation for attorney's fees.²⁰⁹ They also had all evidence of disciplinary actions expunged from their files.²¹⁰ Even though Janet Reno testified that experts said CS would not harm children, chemistry professor George Uhlig testified that CS gas in a poorly ventilated room would create a situation "similar to one of the gas chambers used by the Nazis at Auschwitz."²¹¹ Many witnesses bemoaned the fact that key pieces of evidence – the right half of the front door of Mt. Carmel and BATF video tapes of the February 28 raid, in particular – were missing. Texas Rangers claimed that they saw a white cargo van with FBI agents come to the ruins of Mt. Carmel and load several items, including the front door, into the van.²¹² When asked for this evidence, the FBI repeatedly claimed that the door was missing.²¹³ One of the biggest shocks came from US Attorney Bill Johnson, who was one of the Davidian trial prosecutors and a raid planner. He stated that he tried to prosecute several of the BATF agents who were recklessly firing into Mt. Carmel but was told he could not do so.²¹⁴ These and other revelations about poor decisions made by federal law enforcement leadership did not help to end conspiracists' anger and dismay.

The hearings were not a complete disaster for the Federal Bureau of Investigations, Department of Justice, and Bureau of Alcohol, Tobacco, and Firearms, however. Actually, the hearings became a way to further demonize Koresh. One of the first witnesses called was fourteen year old Kiri Jewell, who was invited by Florida Democrat Karen Thurman. Kiri read a prepared

²⁰⁹ Chojnacki v. Department of Treasury. "Settlement Agreement". United States of America Merit System Protection Board. No.DA-0752-95-126-I-1. December 21, 1994. Copy available online at <http://www.hardylaw.net/Chojanckisettlement.html>.

²¹⁰ Chojnacki v. Department of Treasury. "Settlement Agreement".

²¹¹ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part Two)*, 223.

²¹² Dick Reavis. "Trooper Describes Oddities at Waco". *San Antonio Express-News*. 08 March 2000.

²¹³ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part Two)*, 297.

²¹⁴ Hardy and Kimball. *This is Not an Assault*, 32.

statement that detailed her alleged sexual encounter with David Koresh. Several representatives referred to Kiri's testimony throughout the remainder of the hearing, as if to justify the federal law enforcement's actions against the Davidians. New Mexico Republican Steven Schiff expressed his dismay at including Kiri's story in the proceedings because "the Bureau of Alcohol, Tobacco, and Firearms was conducting a firearms investigation...I think this testimony was put into this hearing to take newspaper headlines...away from...the testimony about the law enforcement participation in the raid."²¹⁵ Nevertheless, Jewell's testimony overshadowed much of the hearing, and the prevailing attitude was that Koresh was a sociopath who was entirely in the wrong. Thus, few representatives were tough in their questioning of federal law enforcement officials, and few issues were resolved. Despite this, the hearings basically exonerated federal law enforcement agencies.

As the hearings continued in Washington, DC, Tucson, Arizona lawyer David Hardy filed Freedom of Information Act (FOIA) lawsuits against the Federal Bureau of Investigations and the Bureau of Alcohol, Tobacco, and Firearms. He had filed FOIA requests with both agencies, but received no response. Over the next several years, both agencies ducked court orders to turn evidence, video tapes, and documents over to Hardy. Frequently, the agencies claimed that the items did not exist. As mentioned in chapter one of this work, the BATF claimed first that every video camera malfunctioned during the initial raid.²¹⁶ Then the agency claimed that the agents had used their personal cameras, and, therefore, were not subject to FOIA requests.²¹⁷ The judge in the case ruled against the BATF and demanded compliance with the FOIA requests, but the BATF claimed the requested items no longer existed. Hardy fared little better with the Federal Bureau of Investigations. At first, the FBI claimed that it was too backlogged to expediently fill his request

²¹⁵ Subcommittee on Crime. *Activities of Federal Law Enforcement Agencies Towards the Branch Davidians (Part One)*, 145.

²¹⁶ Hardy and Kimball. *This is Not an Assault*, 76-78.

²¹⁷ Hardy and Kimball. *This is Not an Assault*, 75-76.

and that he should resubmit it in six months to one year.²¹⁸ When forced to comply, the agency filled his requests with what they claimed was thoroughness, but Hardy soon found that was not the case. For example, he received what was labeled a first generation copy of the FLIR tape, but, when he met with expert Carlos Ghigliotti, he found that his copy was missing the soundtrack. This soundtrack included the exchange between Hostage Rescue Team member Dick Rogers and Special Agent in Charge Jeff Jamar, in which Jamar asked if HRT members was examining the underground bus to rescue children. When told that they were, Jamar replied, “no one else, I hope.”²¹⁹

The Federal Bureau of Investigations received another blow in regard to evidence in 1999. After Michael McNulty’s discovery of the Texas Rangers’ Waco evidence locker and the pyrotechnic devices contained within, David Hardy filed suit with the Texas Rangers to get access to the locker. After a jurisdictional shell game, Davidian lawyers, in a wrongful death civil suit, filed a motion with presiding judge Walter Smith to take custody of the evidence in the locker.²²⁰ The FBI, enraged at the decision, refused to comply.²²¹ After judicial wrangling, and a threat of contempt, the FBI finally and reluctantly acquiesced.²²² The pyrotechnic device discovery also prompted Attorney General Janet Reno to appoint independent council John Danforth to investigate allegations of FBI gunfire and whether the pyrotechnics could have started any of the fires. His findings are discussed in chapter four of this work.

²¹⁸ Hardy and Kimball. *This is Not an Assault*, 78.

²¹⁹ FBI Radio Traffic. 19 April 1993. Received from FBI via Freedom of Information Act. (Hardy v. FBI & ATF, No. 95-883-TUC-ACM, D. Ariz.) Privately held collection.

²²⁰ Hardy and Kimball. *This is Not an Assault*, 100.

²²¹ Lee Hancock. “US Fights Waco Evidence Order”. *Dallas Morning News*. 01 September 1999; and “Government Seeks Delay on Waco Files”. *Dallas Morning News*. 02 November 1999.

²²² Lee Hancock. “US Warned to Release Waco Documents”. *Dallas Morning News*. 03 November 1999.

After the fire, most Americans forgot David Koresh and the Davidians. Many dismissed his actions as the actions of a madman with an arsenal and a death wish, as he was portrayed in the media. In April 2003, as the tenth anniversary of the gas assault on Mt. Carmel approached, ABC reunited several of the children who left Mt. Carmel after living there with their families before the raid for a special episode of *Prime Time Live*. All of the “children”, who included Brad Borst, Kiri Jewell, Sky Okimoto, one of three of Koresh’s biological children who are still alive, Joann Vaega, and Jaunessa, Tamara, Landon, and Patron Wendell, lost at least one parent. During the hour long special, the “children” talked about their memories of Mt. Carmel, even though each of them, with the exception of Borst, who left at eighteen, and Jewell, who left at ten, left Mt. Carmel before their eighth birthday.²²³ Okimoto, and Landon Wendell both left at three, while Patron was only a year old.²²⁴ Again, Kiri Jewell told of her sexual encounter with Koresh, this time adding that her mother arranged it.²²⁵ Interspersed with these recollections of beatings, sitting through long sermons, and memories of the February 28 raid, Charles Gibson showed footage of the children in the group foster home in which they lived after leaving Mt. Carmel. The children were shown singing about a final battle during Armageddon, shooting toy guns at and talking about weapons to therapists assigned to the case, and drawing pictures of Mt. Carmel.²²⁶ Throughout the piece, Gibson kept telling the group that their parents chose to die with Koresh instead of living a long life with them. He kept trying to elicit some negative reaction from the group, but all of them spoke highly of and of forgiveness to their parents.²²⁷

²²³ Thibodeau and Whiteson. *A Place Called Waco*, 358.

²²⁴ Thibodeau and Whiteson. *A Place Called Waco*, 358.

²²⁵ “Witness: The Children of Waco.” *ABC Primetime*. Charles Gibson, host. April 16, 2003.

²²⁶ “Witness: The Children of Waco.” *ABC Primetime*.

²²⁷ “Witness: The Children of Waco.” *ABC Primetime*.

Dana Okimoto, a former Davidian who bore Koresh two sons, spoke on camera about Koresh and presented him in a balanced manner. She claimed that she believes he was sincere in his beliefs and believed what he was saying when claiming divine influence, but that his claims were false. She did, however, claim to have taken part in beating her children at Koresh's command. At the end of the piece, the "children" and Okimoto and Gibson went to dinner together. One of the children asked Okimoto if she believed that those inside Mt. Carmel started the fire. She replied that it "was possible", but went on to explain her answer further.²²⁸ Unfortunately for the audience, Gibson's voiceover made her explanation impossible to hear.²²⁹

The advertised climax of the show was a confrontation between the "children" and chief negotiator Byron Sage. Charles Gibson stated that, "The children were allowed to ask all of their questions, even the tough ones."²³⁰ Sage was the voice on the loudspeaker during the April 19 assault and the last voice the Davidians who perished heard.²³¹ The producers told the participating "children" that they could ask Sage whatever questions they wanted. When the segment with Sage was taped, Brad Borst says that producers would not allow him to ask the questions he wanted because "if I let you ask questions, the American public will not watch this show."²³² Instead of directly answering each question, ABC combined several questions into a montage, then showed Sage addressing the "children".²³³ The special ended with Gibson playing footage of the fire for Sage and the "children". Before the footage started, Gibson told them that

²²⁸ "Witness: The Children of Waco." *ABC Primetime*.

²²⁹ "Witness: The Children of Waco." *ABC Primetime*.

²³⁰ "Witness: The Children of Waco." *ABC Primetime*.

²³¹ "Witness: The Children of Waco." *ABC Primetime*.

²³² Bradley Borst. "ABC Misled Children of Waco Participants - and Now the Public." Press Release. http://home.comcast.net/~bborst/press_release.html

²³³ "Witness: The Children of Waco." *ABC Primetime*.

they did not have to watch if they did not want to. All of the “children” did watch, but Sage “could not”.²³⁴ Gibson said that it was too painful for Sage to relive.

The show itself was another piece in a long line of articles, shows, and news programs that was designed to demonize Koresh and the Davidians while exonerate the FBI from any wrongdoing. Borst claims that he agreed to the interview in order to tell the truth about the Davidians and the BATF and FBI’s involvement in their demise, but “ABC has made misleading statements about the Branch Davidians in what appears to be an attempt to justify the historical end result.”²³⁵

For the adult Davidian survivors, life has been a challenge since the destruction of Mt. Carmel. Some survivors, including Sheila Martin and her children, were denied help by the Red Cross. Many of the survivors spent time in half way houses before moving on. Several survivors who were not convicted of a crime, or who left before the fire of April 19, 1993, and still believe in David’s message stayed in the Waco area. Clive Doyle and his mother Edna reclaimed the land known as Mount Carmel, and volunteers helped to rebuild the church, where many of them still worship.²³⁶ The church and its outlying buildings were frequently targeted by arsonists and vandals, and several squatters have taken residence at the Mount Carmel property. Currently there is litigation for the property between Clive Doyle and Amo Bishop Roden, former leader George Roden’s common law wife. On March 22, 1993, ownership of the property went to the Branch Davidian Seventh Day Adventist Association Trustees, but it is unclear who the surviving trustees

²³⁴ “Witness: The Children of Waco.” *ABC Primetime*.

²³⁵ Borst. “ABC Misled Children of Waco Participants - and Now the Public.”

²³⁶ Clive Doyle. “Seven Witnesses.” *Mt. Carmel*. Mt. Carmel Survivors’ Website, Branch Davidian Seventh Day Adventist Association. <http://start.at/mtcarmel/survivors/index.htm>.

are, especially since David Koresh left no will. There has been no resolution to the property ownership lawsuit as of this writing.

Survivors also filed a wrongful death lawsuit against the government, but the jury agreed with the government, and said the Davidians should have surrendered before the events escalated.²³⁷

Livingstone Fagan and Renos Avraam continue to write religious materials based upon the teachings of David Koresh from their prison cells.²³⁸ Jaime Castillo and Paul Fatta are scheduled to be released from prison in November 2005.

As time passes, the government continues to stand by its story that the Davidians were a crazy cult led by a pedophilic yet charismatic madman. Unfortunately, very few people have questioned this account and continue to believe the Davidians committed mass suicide. The government successfully slandered a religious sect and won their war through the court of public opinion utilizing tactics more reminiscent of a Stalinist regime than of a country that prides itself on being the freest society in the world. In spite of claims by government officials that they executed the attacks for the children's sake, the end result was that eighty-six people died senselessly, as the government had many opportunities to confront Koresh peacefully. The government was negligent in its initial use of force, in its propaganda war, in its insincere negotiations, and its decision to use force on the Davidians. As of yet, nobody has been brought to justice for the systematic murder and cover-up of the murder of these peaceful church members, and, for now at least, nobody will.

²³⁷ Thibodeau and Whiteson. *A Place Called Waco*, 299.

²³⁸ Doyle. "Seven Witnesses".

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APPENDIX A

THOSE WHO LOST THEIR LIVES DURING THE 51 DAYS

Died February 28, 1993

Conway LeBleu, 30 white American	Peter Gent, 24 white Australian
Todd McKennan, 28 white American	Peter Hipsman, 28 white American
Robert Williams, 26 white American	Perry Jones, 64 white American
Steven Willis, 32 white American	Michael Schroeder, 29 white American
Winston Blake, 28 black British	Jaydean Wendell, 34 Hawaiian American

Died April 19, 1993

Chanel Andrate, 1 white American	Diane Martin, 41 black British
Jennifer Andrate, 19 white American	Wayne Martin, Sr., 42 black American
Katherine Andrate, 24 white American	Lisa Martin, 13 black American
George Bennett, 35 black British	Sheila Martin, Jr., 15 black American
Susan Benta, 31 black British	Anita Martin, 18 black American
Mary Jean Borst, 49 white American	Wayne Martin, Jr., 20 black American
Pablo Cohen, 38 white Israeli	Julliete Martinez, 30 Mexican American
Abedowalo Davies, 30 black British	Crystal Martinez, 3 Mexican American
Shari Doyle, 18 white Australian	Isaiah Martinez, 4 Mexican American
Beverly Elliot, 30 black British	Joseph Martinez, 8 Mexican American
Evette Fagan, 30 black British	Abigail Martinez, 11 Mexican American
Doris Fagan, 51 black British	Audrey Martinez, 13 Mexican American
Lisa Marie Farris, 24 white American	John-Mark Bean, 27 black British

Raymond Friesen, 76 white Canadian

Sandra Hardial, 27 black British

Zilla Henry, 55 black British

Vanessa Henry, 19 black British

Phillip Henry, 22 black British

Paulina Henry, 24 black British

Stephen Henry, 26 black British

Diana Henry, 28 black British

Novellette Hipsman, 36 black Canadian

Floyd Houtman, 61 black American

Sherri Jewell, 43 Asian American

David Jones, 38 white American

David Koresh, 33 white American

Rachel Koresh, 24 white American

Cyrus Koresh, 8 white American

Star Koresh, 6 white American

Bobbie Lane Koresh, 2 white American

Jeffery Little, 32 white American

Nicole Gent Little, 24 white Australian

and unborn Gent-Little child

Dayland Gent, 3 white American

Page Gent, 1 white American

Livingston Malcolm, 26 black British

Bernadette Monbelly, 31 black British

Rosemary Morrison, 29 black British

Melissa Morrison, 6 black British

Sonia Murray, 29 black American

Theresa Nobrega, 48 black British

James Riddle, 32 white American

Rebecca Saipaia, 24 Asian British

Steve Schneider, 43 white American

Judy Schneider, 41 white American

Mayanah Schneider, 2 white American

Clifford Sellors, 33 white British

Scott Kojiro Sonobe, 35 Asian American

Floracita Sonobe, 34 Filipino

Gregory Summers, 28 white American

Aisha Gyrfas Summers, 17 white Australian

and unborn Summers child

Startle Summers, 1 white American

Lorraine Sylvia, 40 white American

Rachel Sylvia, 12 white American

Hollywood Sylvia, 1 white American

Serenity Sea Jones, 4 white American

Michelle Jones Thibodeau, 18 white American

Chica Jones, 2 white American

Neal Vaega, 38 Asian New Zealander

Little One Jones, 2 white American

Margarida Vaega, 47 Asian New Zealander

Mark Wendell, 40 Asian American

Plus five Jane and John Does

APPENDIX B

THOSE WHO WERE IMPRISONED

Renos Avraam, white British, 40 years

Brad Branch, white American, 40 years

Jaime Castillo, Hispanic American, 40 years

Graeme Craddock, white Australian, 20 years

Livingstone Fagan, black British, 40 years

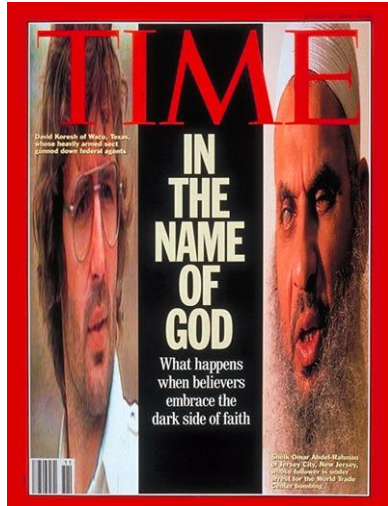
Paul Fatta, white American, 15 years

Ruth Riddle, white Canadian, 5 years (released)

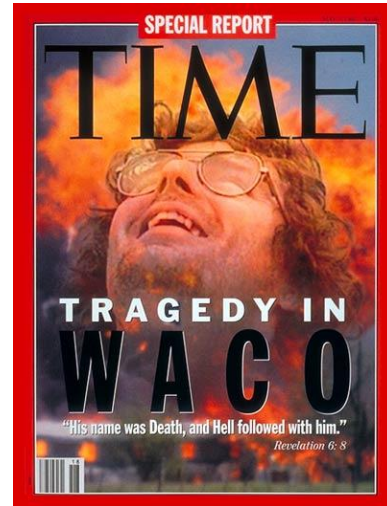
Kathryn Schroeder, white American, 3 years (released)

Kevin Whitecliff, white American, 40 years

APPENDIX C: EXAMPLES OF PRINT MEDIA DURING AND AFTER THE SEIGE



March 15, 1993



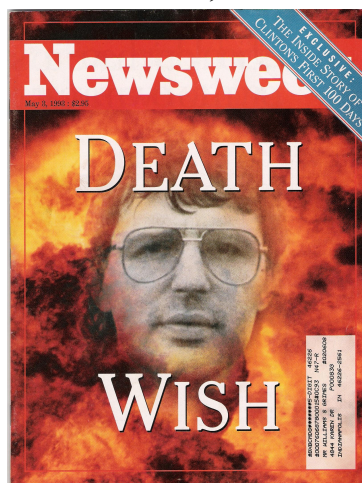
May 03, 1993



March 15, 1993



March 15, 1993



May 03, 1993



May 17, 1993

25 CH II

Released youngsters comforted



14 may be
dead in
compound

Group's leader fails
to give up as promised

The SINFUL MESSIAH

By MARK ENGLAND and DARLENE MCCORMICK
c. 1800, when Tidbury-Herald

He changed it two years ago in California, supposedly to enhance his career as a musician, but his former employers and law enforcement authorities, he said, remain fazed.

An eight-month Tribune-Herald investigation that involved numerous interviews with Kevorkian and more than 20



By DARLENE MCCORMICK
and MARK ANGLAND

c. 1800: Wagon Trail from Mexico

But they failed to get their arrests in U.S. adoptions.

More than two years have gone by, but authorities have done little. Howell still presides over a group of about 75 followers at Mount Carmel; the cult's base 10 miles east of Wilkes near the Elk community. At that compound, he is the unquestioned leader.

■ **SYSTEMS TO**

His leadership was questioned last year in a legal setting, however, for the first time — inside a Michigan courtroom.

Three former cult members flew from Australia last February to testify that Howell had sex with teenage girls, abused children, whipping babies as young as 8 months old, forced them to crawl into an armed camp, and split apart the families of his followers, declaring himself the only perfect mate for the women in the cult.

Cult members allowed Howell's actions because they consider him Christ, lost first wife Bernadette, who is American; his wife, Elizabeth Farnham, as Australian; and

February 27, 1993